

1022

A COMPLEAT  
**HISTORY**  
Of the Whole  
PROCEEDINGS  
OF THE  
PARLIAMENT.  
OF  
**Great Britain**  
AGAINST  
Dr. HENRY SACHEVERELL:  
WITH HIS  
**TRYAL**  
BEFORE THE  
House of PEERS,  
FOR

High Crimes and Misdemeanors; the Reasons  
of those Lords that enter'd their Protests; and  
the Speeches of several Lords before Judgment  
was Given.

L O N D O N:

Printed and Sold by J. Baker, at the Black Boy in  
Pater-Noster-Row 1710.





H

P

Ho

Dr.

T

Lord-M  
as also  
Affizes  
having  
Compla  
of. Com  
Commun  
at Derb  
And th  
Church  
Right  
London  
Novem  
verell;  
were d

A COMPLEAT  
**HISTORY**  
 Of the Whole  
**PROCEEDINGS**  
 OF THE  
**House of Commons**  
 AGAINST  
**Dr. HENRY SACHEVERELL.**

**T**HE most remarkable Transaction in the last Session of the *British* Parliament, was the Business relating to Doctor *Henry Sacheverell*; whose Sermon preach'd at *St. Pauls*. on the 5th of *November* 1709, before the Lord-Mayor, and Court of Aldermen of the City of *London*; as also another Sermon preach'd by the said Doctor, at the Assizes held at *Derby*, on the 15th of *August*, in the same Year, having given no small Offence to Abundance of People, a Complaint was, on the 13th of *December*, made in the House of Commons of two printed Books; the one entituled, *The Communication of Sin*; *A Sermon, preach'd at the Assizes held at Derby, August 15, 1709; By Doctor Henry Sacheverell*: And the other entituled, *The Perils of False Brethren both in Church and State*; Set forth in a Sermon preach'd before the Right Honourable the Lord-Mayor, Aldermen, and Citizens of *London*, at the Cathedral Church of *St. Paul's*, on the 5th of *November*, 1709; preach'd also by the said Dr. *Henry Sacheverell*; and both printed for *Henry Clements*: Which Books were deliver'd in at the Table; where several Paragraphs in

the Epistle \* Dedictory preceding the first-mention'd Book; and also several Paragraphs in the latter Book, were read: After which it was

*Resolved,*

That a Book, entituled, *The Communication of Sin; being a Sermon preached at the Assizes held at Derby, August 15, 1709:* And a Book, entituled, *The Perils of False Brethren both in Church and State; Set forth in a Sermon preach'd before the Right Honourable the Lord-Mayor, Aldermen and Citizens of London, at the Cathedral Church of St. Paul, on the 5th of November, 1709;* are Malicious, Scandalous, and Seditious Libels; highly Reflecting upon Her Majesty and Government, the late happy Revolution, and the Protestant Succession as by Law establish'd, and both Houses of Parliament; tending to alienate the Affections of Her Majesty's good Subjects, and to create Jealousies and Divisions among them. And

---

\* To the Right Worshipful George Sacheverell, Esq; High-Sheriff of the County of Derby, and to the Honourable Gentlemen of the Grand-Jury. Gentlemen, The *Peculiar Honour* you were pleas'd to confer upon me after the Delivery of this plain Discourse, was so *signal*, that Nothing less than this *publick Acknowledgment* can acquit me of *Ingratitude*. Now, when the *Principles*, and *Interests* of our Church, and *Constitution*, are so shamefully *Betray'd*, and *Run down*; it can be no little Comfort to all those who *wish* their *Welfare* and *Security*, to see, that notwithstanding the *secret Malice*, and *Open Violence* they are Persecuted with, there are still to be found such *worthy Patrons* of both, who dare *own* and *defend* them as well against the *rude* and *presumptuous Insults* of the *One Side*, as the *base*, *undermining Treachery* of the *Other*, and who *scorn* to *sit silently by*, and *Partake in the Sins* of these *Associated Malignants*. Tho' the Truth seems to be so much *Forsaken* at present, yet *God be thank'd*, they shall yet find to our Honour, that We have still amongst Us those who have *Courage* to *speak* it, as well as those who have *Lives* and *Fortunes* to maintain it: And tho' the Age is *sunk* into the *Lowest* Dregs of Corruption, that it *cannot endure sound Doctrine*, there are not wanting *some* to *preach* it, and others to *support* it, at the *Expence* of Both. May the *Influence* of your good *Examples*, which as much *Animates* our *Friends*, as it *Terrifies* our *Enemies* be as *diffusively Prevailing*, as 'tis nobly *Conspicuous*; and the *Blessing* of that Church attend you, which you so *eminently Adorn*, and *Sustain*! And, as I am oblig'd by the Relation I have the *Honour* to bear to your *Family*, may a *double Portion* of *Divine Favour* rest on you (Mr. High-Sheriff) whose *Commands* I was ready to *Execute* in this *Office*, since you thought neither the *Advancement* of your *Years*, so generously expended for the Good of your Country, nor the great *Trouble* attending this *Post*, sufficient to exempt you, from shewing that steady *Loyalty* and *Zeal* to serve Her Majesty and the Government, for which you have because remarkably *distinguish'd*. I am, with all Regard, Gentlemen, Your very Humble Servant,

Henry Sacheverell.

*Ordered,*



*Ordered,*

That Dr. *Henry Sacheverell*, and *Henry Clements*, do attend at the Bar of the House to-morrow.

*John Dolben*, Esq; made the first Motion against the Two Sermons, and was seconded by *Spencer Cowper*, Esq; But they were oppos'd by several Gentlemen, who said, they did not perceive there was any Thing in the Sermons, Malicious, Scandalous, or Seditious; nor Reflecting on Her Majesty and Government, the late happy Revolution, and the Protestant Succession. What concern'd both Houses of Parliament was suppos'd to be the Vote pass'd four and five Years before, about the Church being in Danger: And as to that, it was affirm'd the Church was then in Danger, was still in Danger, and it was to be fear'd would always be in Danger; not from Her Majesty's Administration, but from Papists on the one Hand, and Fanaticks on the other; from these Her profess'd Enemies, and from *False Brethren*. It was own'd, there were some warm Expressions in the Sermon preach'd at *St. Pauls*: And no Wonder that a true Son of the Church of *England* should express himself with some Warmth and Vehemence, against the Liberties that were taken, and with Impunity, to revile the Church, her Doctrines and Ministers, to blaspheme the Name of God, and to insult, and treat with Contempt, every Thing that is sacred.

On the 14th of December, the House being inform'd, that Dr. *Henry Sacheverell* and *Henry Clements* attended, according to Order; Dr. *Sacheverell* was call'd in, and, at the Bar, was examin'd touching the two Sermons complain'd of to the House: Where he own'd the Preaching, the Directing of the Printing, and Publishing the Sermon preach'd the 5th of November, 1709, at the Cathedral Church of *St. Paul*, and the Dedication of it; And also, that the Epistle Dedicatory to the Sermon preach'd at the Assizes at *Derby*, the 15th of August, 1709, was agreeable to that which he put to the Impression of that Sermon, which he directed to be printed and published. And being withdrawn, and a Question being propos'd, That the said Dr. *Henry Sacheverell* be Impeach'd of High Crimes and Misdemeanors, he was call'd in again, and ask'd, If he had any Thing to offer to the House? When he spoke to this Effect: Mr. Speaker, I am very sorry, I am fallen under the Displeasure of this House; I did not imagine, any Expressions in my Sermons were liable to such a Censure as you have pass'd upon them. If you had been pleas'd to have favour'd me so far, as to have hear'd me before you pass'd it, I hope I should have explain'd my self so, as to have prevented it. And after being heard he was directed to withdraw. Then the Question was insist'd on, for Impeaching the Doctor of High Crimes and Misdemeanors. And several Gentlemen spoke against it, desiring

he might rather be prosecuted by the Attorney-General; and if the Sermons were seditious, if they did reflect on Her Majesty and Government, the happy Revolution, and the Protestant Succession as by Law Establish'd, the Doctor would be convicted, and punished for them according to his Demerits.

However, the Question being put, it was *Resolved*,

That the said Dr. *Henry Sacheverell* be Impeached of High Crimes and Misdemeanors. And

*Ordered*,

That Mr. *Dolben* do go to the Lords, and, at their Bar, in the Name of all the Commons of *Great-Britain*, Impeach the said Dr. *Henry Sacheverell* of High Crimes and Misdemeanors, and acquaint the Lords, That the House will, in due time, exhibit Articles against the said *Henry Sacheverell*.

*Ordered*,

That a Committee be appointed to draw up Articles of Impeachment against the said Dr. *Henry Sacheverell*.

And a Committee was appointed accordingly, with Power to send for Persons, Papers, and Records, and to sit *de die in diem*.

Then *Henry Clements* was call'd in, and, at the Bar, was examin'd touching his Printing and Publishing the said Two Books: Which he own'd, and that he had the Copies of them from Dr. *Sacheverell*. After which, he was directed to withdraw.

*Ordered*,

That the said Dr. *Henry Sacheverell* be taken into the Custody of the Serjeant at Arms attending the House.

Sir *Sammuel Gerrard*, Bar. Lord-Mayor of the City of *London*, was in the House, in his Place: And the Speaker observing to the Doctor, that the House took Notice, he had affirm'd, in the Epistle Dedicatory to my Lord-Mayor of *London*, before the Sermon preach'd at *St. Pauls*, that he had publish'd it by his Lordships Command, he was ask'd, Whether my Lord-Mayor did command him to publish his Sermon? To which he answer'd, "That, in the strict Sense of the Word *Command*, he did not; but in the common Acceptation of the Word, as the Desires of Superiors to their Inferiors are said to be *Commands*, he did command him, for he did desire and press him to print it. Then he gave a particular Account of the Conversation he had, at several times, with my Lord-Mayor, about it. Which was attended with such Circumstances, that tho' his Lordship thought fit peremptorily to deny, yet every one that heard what the Doctor said, seem'd to give him Credit.

After this, the Two following Resolutions pass'd.

*Resolved*,

That the Reverend Mr. *Benjamin Hoadly*, Rector of *St. Peters*

*Peters Po*  
Principle  
in the lat  
and Reco

*Reso*

That  
That Sho  
in the Cl  
both to

These  
Sir *Jos*  
these Re  
drefs w  
Her Maj

proper C

On th  
*Dolben*  
*Sachever*  
the Lor  
the Serj  
ver'd to  
Lords f

Mr.  
to their  
Impeach  
meanor

Order.

On  
Custody  
present  
will be  
may ha  
form'd  
for Hig

On

Tha  
cernin  
High  
their  
next.

On

Tha  
the A  
to fear  
The  
mitte.

On  
mittee

*Peters Poor, London*, for having often strenuously justify'd the Principles on which Her Majesty and the Nation proceeded in the late happy Revolution, hath justly merited the Favour and Recommendation of this House.

*Resolved,*

That an humble Address be presented to Her Majesty, That She will be graciously pleased to bestow some Dignity in the Church on the said Mr. *Hoadly*, for his eminent Services both to Church and State.

These were propos'd by Mr. *An. Henley*, and seconded by Sir *Jos. Jekyll*. However, there were several Negatives to these Resolutions. And 'tis observable, That when this Address was presented to the Queen by Mr. Secretary *Boyle*, Her Majesty was pleas'd to answer, *That She would take a proper Opportunity to comply with their Desire.*

On the 15th. of December the Commons Order'd, That Mr. *Dolben* (when he goes to the Lords, to Impeach Dr. *Henry Sacheverell* of High Crimes and Misdemeanors) do acquaint the Lords, That the said *Henry Sacheverell* is in Custody of the Serjeant at Arms attending the House, ready to be deliver'd to the Gentleman-Usher of the Black-Rod, when the Lords shall please to give Order therein.

Mr. *Dolben* reported to the House, That he had, pursuant to their Order, been at the Lords; and, at their Bar, had Impeach'd Dr. *Henry Sacheverell* of High Crimes and Misdemeanors; and had also acquainted the Lords with their other Order.

On the 17th. A Petition of *Henry Sacheverell*, D. D. in Custody of the Serjeant at Arms attending the House, was presented to the House, and read; praying, that the House will be pleased to order him to be admitted to Bail, that he may have an Opportunity of making his Defence, being inform'd that he is impeach'd at the Bar of the House of Lords for High Crimes and Misdemeanors.

*Ordered,*

That a Committee be appointed to search Precedent concerning the taking Bail in Cases of Persons committed for High Crimes and Misdemeanors; and that they do make their Report thereof to the House upon Monday Morning next.

*Ordered,*

That it be referr'd to the Committee who are to draw up the Articles of Impeachment against Dr. *Henry Sacheverell*, to search Precedents, and make Report thereof to the House.

There was some Debate before the House order'd a Committee.

On the 19. Mr. *Dolden* acquainted the House, That the Committee who were upon Saturday last appointed to search Precedents



dents concerning the taking Bail in Cases of Persons committed for High Crimes and Misdemeanors, and to report the same to the House this Day, had made all the Progress they could in so short a Time; but that they found, it requir'd more Time, and had directed him to move, That they may have farther Time to make their Report

*Ordered,*

That the said Committee do search the Lords Journals, in relation to the Proceedings upon Impeachments by the Commons; and make their Report thereof to the House with all convenient Speed.

*Ordered,*

That all Committees be adjourn'd, except the Committee who are appointed to draw up the Articles of Impeachment against Dr. *Henry Sacheverell*; and who are to search the Lords Journals in relation to the Proceedings upon Impeachments by the Commons.

On the 22<sup>d</sup>. Mr. *Dolben* reported from the Committee appointed to search Precedents concerning the taking Bail in Cases of Persons committed for High Crimes and Misdemeanors, and to search the Lords Journals in relation to the Proceedings upon Impeachments by the Commons, and to make their Report to the House, That they had searched Precedents, and the Lords Journals, accordingly; and had directed him to report what Precedents they had found; which he read in his Place, and afterwards deliver'd in at the Table, where the same were read.

And a Motion being made, and the Question being put, That Dr. *Henry Sacheverell* be admitted to Bail, according to the Prayer of his Petition, it passed in the Negative.

*Yeas 79. No's 114.*

In the Debates on this Matter, there was a great Variety of Opinions: Some thought, the Commons might bail a Person committed by them, but not in this Case: Others, that it was discretionary in them, whether they would bail, or not; and that this Person deserved it not from them; and one, that the Commons could never bail in any Case. Others insisted, in favour of Liberty, that if they could bail, they ought to bail; and that they could bail, argu'd from the Equity and Reasonableness of the Thing, that those who could commit, might bail: They shew'd Precedents in the Case of Mr. *Seymour* and the Smugglers, impeach'd for High Crimes and Misdemeanors; in one of which, the Persons impeach'd and committed by the House of Commons, was admitted to Bail; in the other, the Commons, upon their Petition, consented to bail them; and they had been bailed, but their Surieties made Objections to the Condition

Condition of their Bonds, and would not submit to it. Besides, it was urged, that this Case was in itself bailable, and so agreed by all Gentlemen; and that the Dr's Hardship might be the greater, because it was probable, if the Commons did not bail him, he must lie in Custody, when bailable by Law, till after the Recess of Parliament: For the Articles not being exhibited to the Lords against him, it was thought, the Lords would not take him out of the Custody of the Commons, and commit him upon a General Charge; and till they committed him, they could not bail him. This was his Case; for upon Application to the Lords, they refused to commit him, till the Commons had exhibited their Articles: The Lords said, The Commons might never exhibit any; and they would not do so unreasonable a Thing, as to commit any one, on a General Charge. And so he lay a Prisoner by the Commitment of the House of Commons, in a Case bailable by Law, and for which there were Precedents for the Commons admitting to Bail, from Dec. 14. to Jan. 12. It is observable, That some urged, against the Bailing the Doctor, one Part of the Message deliver'd by Mr. *Dolben* to the Lords, when he impeach'd him at their Bar, ' That the Doctor was in Custody of the Serjeant at Arms attending the House, ready to be deliver'd to the Gentleman-Usher of the Black-Rod, when the Lords should please to give Order therein: But others, that agreed with them against admitting him to Bail, approved of Expedients to get off that, and did not think it reasonable to preclude him from it by their own Message.

There was one Thing in this Debate gave some Diversion to the House. An Honourable Member, declaring himself against bailing Dr. *Sacheverell*, said, He would put them in Mind of the Case of Mr. *Thompson*. He was a Parson too; he was impeach'd by the Commons for High Crimes and Misdemeanors; he was bailed by them; he afterwards ran beyond Sea, turn'd Priest, and so evaded their Justice; and, he believed, this *Fellow* would do so too. To this, another Gentleman answer'd, He believ'd the Noble Lord was as much mistaken in his Conclusion, as he was in his Premises. He did not believe the Doctor would run away, if he was bailed. And as to the Precedent of Mr. *Thompson*, the Noble Lord was mistaken in every Part of it, except that he was a Parson; for he was not bailed by the Commons, he did not run beyond Sea, and turn'd Priest, and so evaded their Justice. The Parliament that impeach'd him was soon after dissolved; he was made Dean of *Bristol*, and lived and died so.

On the 9th of *January* 17<sup>90</sup>. Mr. *Dolben* reported from the Committee appointed to draw up Articles of Impeachment against Dr. *Henry Sacheverell*, That they had drawn up Articles accordingly, which they had directed him to report to the House.

House: And he read them in his Place, and afterwards deliver'd them in at the Table, where they were read.

It was then propos'd, that it being impossible the Members could make their Observations on the Articles in such Readings, and the Honour of the House being concerned to have them such as might be justified, a little Time should be allowed, before they were read the second time, to consider them; and to convince others, they intended not delay by it, they only ask'd till *Wednesday*. This was order'd; but then it was moved, that no Copies might be taken of the Articles, because it was not proper they should be made Publick in the Coffee-Houses, nor shew'd to the Doctor, before they were agreed to, and carried up to the Lords. On the other Hand, it was urg'd, This was precluding Members of their Right by unreasonable Suppositions; that they had a Right to take Copies of any Papers before the House, for their Information; and it was not to be imagin'd, they would publish the Articles in Coffee-Houses, or shew them to the Doctor. And, what if they did shew them to him? Were they to be kept a Secret from him! Would he not have a Copy of the Articles order'd him by the Lords, as soon as they were carried to them? And, what Advantage would it be to him, or Disadvantage to the Commons, to see them sooner? But, if Copies were not to be taken of the Articles, it was no Favour, no Benefit to put off the Consideration of them; it had an Appearance of doing what was fair and reasonable, but would, in Truth, be doing nothing; for without taking Copies of them, they could not be consider'd. And it having been said, by one Gentleman, That this was an extraordinary Thing, and what had never been done before; another reply'd, He thought it Extraordinary, but could not agree, it had never been done before; he remember'd the like, when Sir *J. Fenwick's* Confessions had been read in the House of Commons; they were order'd to be sealed up by the Speaker, that no Copies might be taken of them. He did not approve that Precedent so well as to follow it; he wish'd Copies had been taken of those Papers, and that they had been printed; he believ'd, the Kingdom would have been the better for them, at this Day.

After these Debates, this Motion was waved.

On the 11th of *January*, The Order of the Day being read, for the Reading a second time the Report from the Committee to whom it was referr'd to draw up Articles of Impeachment against Dr. *Henry Sacheverell*;

*Ordered,*

That the Report be read Paragraph by Paragraph.

Then the first Paragraph (being the Preamble to the Articles) being read, and a Motion being made, and the Question being put, That the Report be recommitted, it passed in the Negative.

*Yeas 131. No's 232.*

*Ordered,*

On  
That  
accordin  
Rej  
That  
Then  
(upon th  
the Hou  
Dr. Hen  
Then  
agreed u  
Ord  
That  
There  
the Arti  
shewn i  
drawn f  
certain,  
it was p  
House k  
grounde  
they onl  
Articles  
Sermons  
On th  
ment ag  
Ora  
That  
At th  
Articles  
of carry  
carried  
time; l

Article  
gess  
selve  
agai  
thei  
Mist

W  
take a C  
Popery,



*Ordered,*

That Candles be brought in ; and Candles were brought in accordingly.

*Resolved,*

That the House doth agree to the said first Paragraph.

Then the Articles being severally read one by one, were (upon the Question severally put thereupon) agreed unto by the House, to be the Articles to be exhibited against the said Dr. *Henry Sacheverell*.

Then the last Paragraph being read, the same was also agreed unto by the House.

*Ordered,*

That the Articles be Engrossed,

There were great Debates in relation to the Recommitting the Articles of Impeachment. In which same Mistakes were shewn in the Preamble to the Articles, and wrong Inferences drawn from them. And the Articles were said to be so uncertain, it was impossible any one could plead to them ; and it was pressed, that those who drew them up, would let the House know, on what Paragraphs in the Sermons they were grounded. To this was answer'd, That was too Early, when they only had the Preamble under Consideration ; when the Articles were read, they would produce the passages in the Sermons.

On the 12 of *January*. The Engrossed Articles of Impeachment against Dr. *Henry Sacheverell*, were read.

*Ordered,*

That the said Articles be carried to the Lords, by Mr. *Dolben*;

At this time, there was no Debate nor Division upon the Articles, only a loud Negative of some Members to the Question of carrying them up to the Lords. The same Day Mr. *Dolben* carried these Articles to the Lords, who read them the first time ; being as follows,

J A N U A R Y 10. 1709.

*Articles exhibited by the Knights, Citizens, and Burgeses in Parliament assembled, in the Name of themselves, and of all the Commons of Great Britain, against Henry Sacheverell, D. D. in Maintenance of their Impeachment against him, for high Crimes and Misdemeanors,*

**W** Hereas his late Majesty King *William* the Third, then Prince of *Orange*, did, with an arm'd Force, undertake a Glorious Enterprize, for delivering this Kingdom from Popery, and arbitrary Power ; and divers Subjects of this Realm,

Realm, well affected to their Country, join'd with, and assisted his late Majesty in the said Enterprize: And it having pleas'd Almighty God to Crown the same with Success, the late happy Revolution did take Effect, and was establish'd: And whereas the said Glorious Enterprize is approv'd by several Acts of Parliament, and amongst others by an Act made in the first Year of the Reign of King William and Queen Mary, entitl'd, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*; and also by another Act made in the same Year, intitl'd, *An Act for preventing vexatious Suits, against such as acted, in Order to the bringing in their Majesties, or for their Service*; and also by another Act in the same Year, entitl'd, *An Act for appropriating certain Duties for paying the States-General of the united Provinces their Charges for his Majesty's Expedition into this Kingdom, and for other Uses*: And the *Actings* of the said well-affected Subjects, in Aid and Pursuance of the said Enterprize, are also declar'd to have been Necessary, and that the same ought to be Justified. And whereas the happy and blessed Consequences of the said Revolution, are the Enjoyment of the Right of God's true Religion establish'd among us, and of the Laws and Liberties of the Kingdom, the uniting her Majesty's Protestant Subjects in Interest and Affection, by a Legal Indulgence, or Toleration, granted to Dissenters; the Preservation of her Majesty's Sacred Person; the many and continual Benefits arising from her Majesty's wife and glorious Administration, and the Prospect of Happiness for future Ages, by the Settlement of the Succession of the Crown in the Protestant Line, and the Union of the two Kingdoms. And whereas the Lords Spiritual and Temporal, and Commons in Parliament assembled, did, by their Address of the 17th of December, 1705, lay before her Majesty the following Vote, or Resolution, viz. *That the Church of England, as by Law establish'd, which was rescu'd from the extreamest Danger by King William the Third, of glorious Memory, is now, by God's Blessing, under the happy Reign of her Majesty, in a most safe and flourishing Condition; and that whoever goes about to suggest and insinuate, that the Church is in Danger under her Majesty's Administration, is an Enemy to the Queen, the Church, and the Kingdom*. And by their said Address, did humbly beseech her Majesty to take effectual Measures for making the said Vote or Resolution publick; and also for the punishing Authors and Spreaders of such seditious and scandalous Reports. And on the 20th Day of the same December, her Majesty was pleas'd to issue her Royal Proclamation accordingly: Yet nevertheless the said Henry Sacheverell preach'd a Sormon at the Assizes held at Darby, August the 15th, in the Year of our Lord 1709, and afterwards publish'd the same in Print, with a Dedication thereof. And the said

said Hen  
Church  
Citizens  
Anniver  
he late  
Arrival  
Oppositi  
vernor,  
wards li  
to Sir S  
London:  
tion to u  
the Prom  
her Maj  
late Maj  
lution;  
of Parlia  
Majesty  
Rebellio

He, th  
at St. P  
Means  
odious a  
tion, dis  
impute  
Colours

He, t  
St. Paul  
ration, &  
of it un  
with Re  
Tolerati  
was deli  
a false S  
leration  
of super  
against  
and inf  
such Ser

He, th  
Paul's d

said Henry Sacheverell also preach'd a Sermon at the Cathedral Church of St. Paul, before the Lord Mayor, Aldermen, and Citizens of London, on the 5th of November last, being the Anniversary from the Gun-powder-Treason, and for beginning the late happy Revolution by giving his late Majesty a safe Arrival here, and for compleating the same, by making all Opposition fall before him, 'till he became our King and Governor, which said Sermon, he the said Henry Sacheverell afterwards likewise publish'd in Print, with a Dedication thereof to Sir Samuel Gerrard, Baronet, Lord Mayor of the City of London: And with a wicked, malicious, and seditious Intention to undermine and subvert her Majesty's Government, and the Protestant Succession, as by Law establish'd; to defame her Majesty's Administration; to asperse the Memory of his late Majesty; to traduce and condemn the late happy Revolution; to contradict and arrain the Resolution of both Houses of Parliament; to create Jealousies and Divisions amongst her Majesty's Subjects, and to incite them to Sedition and Rebellion.

## ARTICLE I.

He, the said Henry Sacheverell, in his said Sermon preach'd at St. Paul's doth suggest and maintain, *That the necessary Means us'd to bring about the said happy Revolution, were odious and unjustifiable; that his late Majesty in his Declaration, disclaim'd the least Imputation of Resistance; and that to impute Resistance to the said Revolution, is to cast black odious Colours upon his late Majesty, and the said Revolution.*

## ART. II.

He, the said Henry Sacheverell, in his Sermon preach'd at St. Paul's doth suggest and maintain, *That the aforesaid Toleration, granted by the Law, is unreasonable, and the Allowance of it unwarrantable; and asserts, That he is a False Brother with Relation to God's Religion, or the Church, who defends Toleration and Liberty of Conscience; That Queen Elizabeth was deluded by Arch-bishop Grindall, whom he scurrilously calls a false Son of the Church, and a perfidious Prelate to the Toleration of the Genevian Discipline; and that it is the Duty of superior Pastors to thunder out their Ecclesiastical Anathema's against Persons entitled to the Benefit of the said Toleration, and insolently dares, or deses any Power on Earth to reverse such Sentences.*

## ART. III.

He, the said Henry Sacheverell, in his Sermon preach'd at St Paul's doth falsely and seditiously suggest and assert, *That the Church*



*Church of England is in a Condition of great Peril and Adversity under her Majesty's Administration; and in order to arraign and blacken the said Vote, or Resolution of both Houses of Parliament, approv'd by her Majesty aforesaid; he, in Opposition thereto, doth suggest the Church to be in Danger; and as a Parallel, mentions a Vote; That the Person of King Charles was Voted to be out of Danger at the same time that his Murderers were conspiring his Death; hereby wickedly and maliciously insinuating, That the Members of both Houses, who pass'd the said Vote, were then conspiring the Ruin of the Church.*

## ART. IV.

*He, the said Henry Sacheverell, in his Sermons and Books, doth falsely and maliciously suggest, That her Majesty's, Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution, and that there are Men of Characters and Stations in Church and State, who are False Brethren; and do themselves, weaken, undermine, and betray; and do encourage, and put it into the Power of others, who are profess'd Enemies, to over-turn and destroy the Constitution and Establishment, and chargeth Her Majesty, and those in Authority under Her, both in Church and State, with a general Male-Administration; and, as a publick Incendiary, he persuades Her Majesty's Subjects to keep up a Distinction of Factions and Parties; instills groundless Jealousies, foment destructive Divisions among them, and excites and stirs them up to Arms and Violence; and that his said malicious and seditious Suggestions may make the stronger Impressions upon the Minds of Her Majesty's Subjects: He, the said Henry Sacheverell, doth wickedly wrest and pervert divers Texts and Passages of holy Scripture.*

All which Crimes and Misdemeanors the Commons are ready to prove, not only by the general scope of the said Sermons or Books, but likewise by several Clauses and Sentences, and Expressions in the said Sermons or Books contain'd; and that the said Henry Sacheverell, by preaching the Sermons, and publishing the Books aforesaid, did abuse his holy Function, and hath most grievously offended against the Peace of her Majesty, her Crown and Dignity, the Rights and Liberties of the Subject, the Laws and Statutes of this Kingdom, and the Prosperity and good Government of the same. And the said Commons, by Protestation, saving themselves the Liberty of exhibiting at any time hereafter, any other Articles or Impeachment against the said Henry Sacheverell, and also of replying to his Answer, or any of them; and of offering Proofs of all the Premises, or any of them, and of any other Article or Impeachment,

ment, th  
to Court  
Henry S  
Premises  
Judgment  
and exec

On th  
that, in  
he did, y  
of the C  
Discharg

Dr. S  
their Lo  
dity of  
Articles  
The n  
give in  
Lords a  
Dr. Bon  
himself  
three T  
Serje  
Phipps,  
Sachever

On t  
had far  
On t  
Lords,  
peachm

Dr. H  
bite  
their

THE  
ta  
U  
judic'd  
admits,  
the Co  
Request  
County  
fire of  
fore th  
of Nov  
printed

ment, that shall be exhibited by them, as the Case, according to Course of Parliament shall require, do pray, that the said *Henry Sacheverell* may be put to answer to all and every the Premises: And that such Proceedings, Examination, Tryal, Judgment, and exemplary Punishment may be thereupon had and executed, as is agreeable to Law and Justice.

On the 13th the Serjeant at Arms acquainted the House, that, in pursuance of their Order of the 15th of *December* last, he did, yesterday, deliver Dr. *Henry Sacheverell* to the Deputy of the Gentleman-Usher of the Black-Rod; and had taken a Discharge for him.

Dr. *Sacheverell* having petition'd the Lords to be Bailed, their Lordships order'd a Committee to enquire into the Validity of his Bail, allow'd him Council, and a Copy of the Articles.

The next Day, *January 14th*, Dr. *Sacheverell* was ordered to give in his Answer to the Articles next *Wednesday*. The Lords accepted of Dr. *Lancaster*, Vice-Chancellor of *Oxon*, and Dr. *Bowes*, for his Bail. And accordingly, he was Bailed, himself in a Recognizance of 6000 *l.* and his Sureties each in three Thousand Pounds.

Serjeant *Prat*, Sir *Simon Harcourt*, Mr. *Raymond*, and Mr. *Phipps*, were allowed, by the Lords, to be Council for Dr. *Sacheverell*: And Mr. *Huggins* to be his Solicitor.

On the 16th of *January* Dr. *Sacheverell*, upon his Petition, had farther Time given him, to put in his Answer.

On the 25th of the same Month, he attended the House of Lords, and deliver'd in his Answer to the Articles of Impeachment against him, which was read, as follows.

*Dr. Henry Sacheverell's Answer to the Articles exhibited against him by the Commons, in Maintenance of their Impeachment for High Crimes and Misdemeanors.*

THE said *Hen. Sacheverell*, saving to himself all the Advantages of Exception to the said Articles for the Generality, Uncertainty, and Insufficiency thereof, and of not being prejudic'd by any Words, or Want of Form in this his Answer, admits, That he preach'd a Sermon at the Assizes held for the County of *Derby*, on the 15th Day of *August*, 1709, at the Request of *George Sacheverell*, Esq; High-Sheriff of the said County; and another at the Cathedral of *St. Paul*, at the Desire of the Lord-Mayor of *London*, Sir *Samuel Gerrard*, and before the said Lord-Mayor, Aldermen, and Citizens on the 5th of *November* last; and that he caus'd the said Sermons to be printed: But denies that he preach'd, or caus'd those Sermons

to be printed or publish'd, with any such wicked, malicious, or seditious Intent, as in the Preamble to the said Articles is affirmed. The Sermon preach'd at Derby having been by him printed at the Request of the Gentlemen of the Grand-Jury of that County, and Dedicated it to them as an Acknowledgment for the Honour he receiv'd by their publick Approbation of it. And the said Lord-Mayor approv'd of the Sermon preach'd at St. Pauls, was at his Request printed with a Dedication to him.

And for Answer to the said Articles *Henry Sacheverell* humbly said.

### *Answer to the first Article.*

To the first Part of the first Article, the said *Henry Sacheverell*, denies that in his Sermon preach'd at St. Pauls, He does suggest and maintain, that the necessary Means us'd to bring about the Revolution, were odious, and unjustifiable. Nor does he in any part of that Sermon, affirm any Thing concerning the Means to bring about the Revolution. He is so far from reflecting on his late Majesty, or the Revolution, that he there endeavours to clear both from the Aspersions of their Enemies.

As to that Part of the said Article, whereby the said *Henry Sacheverell* is charg'd, with Suggesting and Maintaining that his late Majesty in his Declaration, disclaim'd the least Imputation of Resistance; he does acknowledge himself to have made such Suggestion, and declares he did it in Vindication of his Majesty. The Resistance he represents the late King to have disclaim'd, being such as tended to the Conquest of this Realm, as appears by his said Majesty's Declaration referr'd to, and *verbatim* set forth at the Bottom of the Page, where his Majesty's disclaiming that Imputation is mention'd.

Whether the said *Henry Sacheverell* was mistaken or not, in expressing himself as if the late King, disclaim'd any Imputation of Resistance, when he, the said *Henry Sacheverell*, meant thereby a Design of Conquest, he humbly conceives such a Suggestion, by him design'd for the Honour of the late King, cannot reasonably be construed as a Rebellion on his said Majesty, or any Crime, or Misdemeanor.

Farther, to justify what the said *Henry Sacheverell* said, as to his late Majesty's having disclaim'd Resistance, he humbly observes that the following Passages are in his late Majesty's Declaration; *We have thought fit to go over to England, and to carry over with us a Force sufficient, by the Blessing of God, to defend our selves from the Violence of evil Counsellors. We think fit to declare, that this our Expedition is intended for no other Design, but to have a Free and Lawful Parliament assembled.*

As to the last Charge in the said Article, the said *Henry Sacheverell*

*Sacheverell*  
maintain  
to cast  
said Re  
on his  
impute  
Nothing  
teach, i  
People h  
nal of i  
call the  
Subjects  
as they  
Maintai  
Positions  
for Rebe  
in Defe  
Resistan  
Preache  
Sachever  
The f  
any Pret  
Sermon  
gality of  
soever;  
Authori  
ges of h  
him reach  
on the V  
Sermon  
Time of  
good Peo  
Inferior  
Superior  
withstan  
ever wit  
The sa  
icles to  
to be rea  
in farth  
he Book  
Sa. hever  
13th Ye  
for the M  
nacted,  
Benefice  
said Arti  
lead the



*Sacheverell denies, that he doth in his said Sermon suggest and maintain, that to impute Resistance to the said Revolution, is to cast black and odious Colours upon his late Majesty, and the said Revolution; the Persons whom he describes, as reflecting on his late Majesty, and the Revolution, are not those who impute Resistance to the late Revolution, of whom he affirms Nothing, But those new Preachers and new Politicians, who teach, in Contradiction to the Gospel, and the Laws, that the People have the Power vested in them, the Fountain and Original of it, to cancel their Allegiance at their Pleasure, and to call their Sovereign to Account for High-Treason against his Subjects, nay, and to dethrone and murder him for a Criminal, as they did the Royal Martyr by a judiciary Sentence; who are Maintainers of Antimonarchical Schemes, and of such damnable Positions as are, by the Laws of Church and State, condemn'd for Rebellion and High-Treason; and who urge the Revolution in Defence of such Principles: Unless then those who impute Resistance to the Revolution, be the same with those new Preachers and new Politicians above specify'd, the said Henry Sacheverell affirms Nothing concerning them.*

The said Henry Sacheverell does not find that he has given any Pretence to the first Article exhibited against him, in his Sermon preach'd at St. Pauls, but his bare asserting the Illegality of resisting the Supream Power upon any Pretence whatsoever; for which Assertion he humbly conceives he has the Authority of the Church of England, which, in divers Passages of her Homilies, too numerous to be here specify'd, but by him ready to be produc'd, teaches this Doctrine, as founded, on the Word of God, particularly in the second Part of the Sermon of Obedience in the Book of Homilies, set forth in the Time of King Edward VI, where are these Words? *Here, good People, let us all mark diligently: It is not lawful for Inferiors and Subjects in any Case to resist and stand against the Superior Powers, for St. Paul's Words be plain, that whosoever withstandeth, shall get to themselves Damnation; for whosoever withstandeth, withstandeth the Ordinance of God.*

The said Book of Homilies, is affirm'd in one of the 39 Articles to contain good and wholesome Doctrine, and is order'd to be read in Churches, by the Ministers, to the People. And in farther Maintenance of the said Doctrine contain'd in the Book of Homilies and their Authority, the said Henry Sacheverell saith, That by an Act of Parliament made in the 13th Year of the Reign of Queen Elizabeth, entituled, *An Act for the Ministers of the Church to be of sound Doctrine,* 'Tis enacted, *That no Person should thereafter be admitted to any Benefice with Cure, except he should first have subscrib'd the said Articles, in the Presence of the Ordinary, and publicly read the same in the Parish-Church of that Benefice, with Declaration*

claration of his unfeigned Assent to the same. And that by an Act made in the 5th Year of Her present Majesty's Reign, entituled, *An Act for securing the Church of England, as by Law establish'd*, it was enacted, *That the said Act made in the 13th Year of Q. Elizabeth, should remain and be in full Force for ever; and be inserted in express Terms in any Act which should be made, for ratifying the Union of the two Kingdoms of England and Scotland, and therein declar'd to be an Essential and Fundamental Part thereof.* And the same was accordingly done in an Act for Union of the two Kingdoms.

And the said *Henry Sacheverell* does further insist that the aforesaid Assertion is warranted by the Common-Law of England, and several Acts of Parliament still in Force.

He does farther aver the illegality of Resistance on any Pretence whatsoever to be the Doctrine of the Church of England, and the general Opinion of our most Orthodox Divines, from the Time of the Reformation to this Day; it has been taught by that University, whereof he has been a Member above 20 Years, and often preach'd and printed, with publick Approbation of each House of Parliament, and maintain'd by the Reverend Fathers of our Church, Dead and Living, in Terms of greater Force than any us'd by the said *Henry Sacheverell*.

Another Motive to him to preach on the 5th of November, against the Doctrine of Resistance, was, because then the Church commemorates our Deliverance from the Attempts of Rebellious Papists, the Doctrine of Resisting supreme Powers, being originally theirs, and therefore he conceives the Rubrick of the Office appointed for that Day by the late *Q. Mary*, directs, that after the Creed, if there be no Sermon, one of the six Homilies against Rebellion shall be read.

The said *Henry Sacheverell* therefore hopes, That whilst the Church of England flourishes under Her Majesty, whilst *Papish* Tenets are condemn'd, and the Laws of the Kingdom continue in their Vigour, a Dutiful Son of the Church shall not be condemn'd for Asserting the Doctrine of *Non-Resistance*; but if it should be declar'd erroneous, and he suffer for asserting it, he trusts God will enable him to shew his steady Belief of it, by a meek Resignation to whatever shall befall him on that Account.

### *Answer to the Second Article.*

To that Part of the second Article which charges the said *Henry Sacheverell* with suggesting and maintaining, *That the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable*; he saith, That upon the strictest Enquiry he has not been able to find, that a Toleration has been granted by Law; but admits, that an Act pass'd in the first

Year of  
ting t  
Church  
Exempt  
sugges  
had pro  
Words  
misunde  
fession  
descend  
well to  
pulous:  
prescrib

If a  
bious S  
preted a

To su  
*Sacheve*  
*Relatio*  
*tion an*  
plainly  
by Law

that leg  
blames  
Liberty  
Part of  
defend  
the Sepa  
for carr

Tolerat  
Fault of  
ly ment  
So that  
less the  
who are  
tion on  
does cor  
to be Fa

As to  
*Henry S*  
ded by  
Discipli  
thority  
he has,  
his Sug  
Laws, g  
*Q. Mary*  
the Diff

Year

Year of K. William and Q. Mary, entituled, *An Act for exempting their Majesty's Protestant Subject Dissenting from the Church of England from the Penalties of certain Laws.* Which Exemption the said Henry Sacheverell does not any where suggest to be unreasonable, or unwarrantable; but hop'd he had prevented any such Misapprehension, by the following Words in his Sermon at St. Pauls. — *I would not be here misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence, which the Government has condescended to give them, which I am sure all those who wish well to our Church are ready to grant to Consciences truly scrupulous: Let them enjoy it in the full Limits the Law has prescrib'd.*

If any other Expressions in the Sermon seem to carry a dubious Sense towards Toleration, he hopes they will be interpreted agreeably to his avow'd Approbation of that Law.

To such Part of the second Article as charges the said Henry Sacheverell with asserting, *That he is a False Brother, with Relation to God, Religion, or the Church, who defends Toleration and Liberty of Conscience:* He saith, That having so plainly declar'd himself, in Favour of the Exemption granted by Law, he cannot be thought to reflect on the Defenders of that legal Indulgence, which he himself approves, when he blames those who, upon all Occasions, defend Toleration and Liberty of Conscience: He does indeed suggest it to be one Part of the Character of a False Brother, *upon all Occasions to defend Toleration and Liberty of Conscience; and, to excuse the Separation, lay the Fault upon the true Sons of the Church, for carrying Matters too high.* Which universal Defence of Toleration, and Excuse of Separation, with the laying the Fault of it on the True Sons of the Church, are by him jointly mention'd in the same Clause, and Branch of the Character. So that he reflects not on all who defend Toleration, much less the Exemption granted by Law to Dissenters, but on those who are for universal Toleration, and lay the Fault of Separation on the True Sons of the Church; whom he did and still does conceive to be blameable, and if Members of the Church to be False Brethren.

As to that Part of the second Article which charges the said Henry Sacheverell with asserting, *That Q. Elizabeth was deluded by Archbishop Grindal, to the Toleration of the Genevian Discipline;* he saith, he humbly conceives he has good Authority for it from the Histories of those Times; but whether he has, or not, he apprehends such Assertion to be no Proof of his Suggesting, That the Exemption of Dissenters from certain Laws, granted by an Act in the first Year of K. William, and Q. Mary, is unreasonable or unwarrantable. For he thinks the Difference very great between a Toleration of the Genevian



Discipline, and an Exemption of Protestant Dissenters from certain Laws; which Exemption he wisheth under the same Limitations to all Her Majesty's Protestant Subjects.

As to such Part of the second Article, which charges the said *Henry Sacheverell*, with *scurrilously calling the said Archbishop Grindal, a False Son of the Church, and a perfidious Prelate*; he hopes any harsh Expressions concerning that Prelate, may be excus'd, because that Archbishop permitting Innovations in the Church, incurr'd the Displeasure of *Q. Elizabeth*, was by her Order Suspended, and so continu'd to his Death. However, the said *Henry Sacheverell* presumes, that no Words spoken of a Prelate that has been dead above 120 Years, will amount to an High Crime and Misdemeanor.

To that part of the second Article, which charges the said *Henry Sacheverell* with maintaining, *That it is the Duty of superior Pastors to thunder out their Ecclesiastical Anathemas against Persons entituled to the Benefit of the said Toleration*; he saith, He doth not Suggest any such Duty in Pastors, as mention'd in the said Charge; but if the Expressions unapply'd to any, must be determin'd to any one Sort of Persons, he humbly conceives that Connection in his Discourse will determine them, to those Schismatical and Factious Persons, who take Permission for Power, and advance Toleration immediately into an Establishment; such Schismatical, Factious Persons, he apprehends are not entituled to the Act of Exemption, design'd only for the Ease of scrupulous Consciences.

As to the last part of the second Article, which charges the said *Henry Sacheverell* with *insolently daring and defying any Power on Earth to reverse such Sentences*; he saith, The Sentence he dares any Power on Earth to Reverse is only such as is Ratify'd in Heaven, which he still affirms, and conceives would be Blasphemy in any one to deny. And does further believe, some Sentences pronounced by the Pastors of the Church are Ratify'd in Heaven; and that some Persons exempted from Punishment by the Laws of the Land, may be lyable by the Laws of Christ; and that Schism from a Church imposing no Sinful Terms of Communion, is a Sin, exposing the Persons guilty of it to the Censures of the Church.

### *Answer to the Third Article.*

As to so much of the third Article as charges the said *Henry Sacheverell*, *That he does falsely and seditiously suggest, the Church of England is in great Peril and Adversity under her Majesties Administration, &c.* He denies that he has so suggested, or asserted; but does acknowledge, That in his Sermon he suggested, *That when National Sins are ripen'd to a full Maturity, to call down Vengeance from Providence, &c. all the Members*

such a  
Circum  
and Int  
two He  
an A&  
more  
wherei  
openly  
Opinion  
stian R  
God, w  
this K  
those d  
prehend  
and Inf  
gestions  
Prayers  
we best  
Schism  
seriously  
unhapp  
As to  
That th  
That th  
Danger  
his Dea  
the Me  
then co  
draws  
which  
gested  
insinuat  
late Vo  
that as  
Danger  
the two  
others  
God's V  
As th  
concern  
Danger  
it canno  
Danger  
propaga  
Truth a  
such ou  
Assertio

*such a Church, or Kingdom, are in Danger in such deplorable Circumstances.* Which Suggestion of Danger arising from Vice and Infidelity, he presumes is not opposite to the Vote of the two Houses, or Seditious, but agreeable to what is declar'd in an Act of the 9th and 10th of the late King *William III.* for the more effectual suppressing of Blasphemy and Prophaness, wherein it is affirm'd, *That many Persons had, of late Years, openly Avow'd and Publish'd many Blasphemous and Impious Opinions, contrary to the Doctrines and Principles of the Christian Religion, greatly tending to the Dishonour of Almighty God, which might prove destructive to the Peace and Welfare of this Kingdom.* And he conceives, that since passing that Act, those detestable Crimes have greatly increas'd. And he apprehends the said Suggestions of Dangers arising from Vice and Infidelity, to be no way more Seditious, than the like Suggestions frequently us'd before each House of Parliament in the Prayers of the Church, Authoriz'd by her Majesty, wherein we beseech God, that no Sedition may disturb this State, nor Schism distract this Church; and that he would give us Grace seriously to lay to Heart the great Dangers we are in by our unhappy Divisions.

As to so much of the third Article, whereby it is charg'd, *That the said Henry Sacheverell, as a Parallel mentions a Vote, That the Person of K. Charles the first was voted to be out of Danger, at the same Time that his Murderers were conspiring his Death; thereby wickedly and maliciously insinuating, that the Members of both Houses, who pass'd the said Vote, were then conspiring the Ruin of the Church.* He answers, That he draws no Parallel between those two Votes, the latter of which he no where mentions in his Sermon. But had he suggested any such Parallel, which he did not, it would not have insinuated that the Members of both Houses who pass'd the late Vote, were conspiring the Ruin of the Church; but only that as some innocent Persons voted the King to be out of Danger, whilst others were conspiring his Murder; so when the two Houses voted the Church to be out of Danger, some others might be conspiring its Ruin, and others drawing down God's Vengeance by their Vice and Infidelity.

As the Vote of both Houses, made four Years ago, only concern'd those who did insinuate the Churches being in Danger under Her Majesty's Administration; so he presumes it cannot affect those who suggest the Christian Faith to be in Danger by those Atheistical, and irreligious Principles daily propagated from the Press. So that he thinks he might with Truth affirm in his Sermon at *Derby*, That there never were such outrageous Blasphemies against God, &c. of which Assertion he is ready to bring undeniable and ample Proofs;

*Answer to the fourth Article.*

The fourth Article contains several Charges of a very high and criminal Nature, of which the said *Henry Sacheverell* knows his Heart to be entirely innocent; and with Comfort observes, that in the other Articles he is said to have maintain'd and asserted, as well as suggested the Matter charg'd upon him, but in this fourth he is only accus'd of Suggesting and Insinuating.

To that Part of the fourth Article, whereby it is charg'd, *That the said Henry Sacheverell, in his said Sermons and Books, doth falsely and maliciously suggest, that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution,* he answers, That he has not, in either of his Books or Sermons, made any mention of her Majesty's Administration, or of her Ministers; but is so far from suggesting, that it leads to the Destruction of the Constitution, that amongst the Blessings owing to our Deliverance, annually Commemorated on the Fifth of November, he reckons this to be one, *That her Majesty sits on the Throne, and prays to God to preserve her, &c.* And in his Dedication of his said Sermon preach'd at St. Pauls, solemnly declares, as he did before in his Discourse, *That his only Aim and Intention was earnestly to contend for the Safety, Rights, and Establishment of her Majesty, together with those of the Church.*

To that Part of the fourth Article, whereby it is charg'd, *That the said Henry Sacheverell does suggest, That there are Men of Characters and Stations in the Church, who are False Brethren;* he saith, That the *False Brethren*, as describ'd by him in his Sermon, are either those who propagate false Doctrines, or who give up the Discipline and Worship of the Church, or who are for a Neutrality in Religion, or who wish well to the Church of England, and are ready to Sacrifice their Persons and Estates in her Vindication, but not show their Zeal in the Communion of the Church, as well as for it, in obeying her Precepts as well as defending her Rights. These being the Sorts of *False Brethren* by him enumerated, if he should have suggested, that there are Men of Characters and Stations in the Church, Words not restrain'd to the highest Characters and Stations, to whom that Denomination in some Sense does belong, he hopes that suggestion would not be deem'd False, Malicious, or highly Criminal.

Whereas in this fourth Article it is charged, *That the said Henry Sacheverell does suggest, That there are Men of Characters and Stations in the Church and State, who do themselves weaken, undermine and betray, and do encourage, and put into the power of others who are profess'd Enemies, to overturn and destroy the*

*Constitution*

*Constitu*  
such Th  
State, t  
weaken  
where  
nothing  
and the  
Reflect  
more fr  
Betraye  
to be on  
by their  
Church  
who are  
Persons  
or Thir  
the Cor  
as to h  
ing it  
with th  
he has  
and bet  
they ar  
State.

As t  
Henry  
thority  
Male-A  
such a  
in Aut  
never u  
And he  
Majesty  
has pul  
the Cro  
France  
Loyal  
nistrati

To t  
lick In  
Distinc  
it, tha  
nounce

To t  
Sachev  
Divisio  
said Se  
who, b



*Constitution and Government*; he denies the suggesting any such Things of Men of Characters and Stations in Church or State, those not being mention'd where he speaks of such as *weaken, undermine, betray, &c.* as above in the Charge; and where they are mention'd twelve Pages afterwards, he speaks nothing of *weakening, and underminng, betraying, &c.* or above, and therefore hopes he shall not be answerable for a suppos'd Reflection, depending upon a Conjunction of Passages so remote from one another. The Weakners, Underminers, and Betrayers; to whom he refers, will, upon Examination, appear to be one of these three Sorts of Persons; either, *First such as by their Writings endeavour to subvert the Foundations of our Church and State*; or, *Secondly, such whether Writers or others, who are for a Latitudinarian Heterogeneous mixture of all Persons of what Faith soever, uniting only in Protestantcy, &c.* or *Thirdly, Those Occasional Conformists, who have so far eluded the Corporation, and Test Acts by their abominable Hypocrisie, as to have undermin'd and endanger'd the Government, by filling it (as far as they could) with its profess'd Enemies, that is, with themselves.* Of these and their Encouragers he confesses he has suggested that, in his Opinion, they weaken, undermine, and betray the Constitution; but has no where suggested, that they are Men of Characters and Stations in the Church or State.

As to the Part of the fourth Article that accuses the said *Henry Sacheverell*, of charging Her Majesty, and those in Authority under Her, both in Church and State, with a general Male-Administration; he says, He abhors the Thoughts of such a Charge against her Majesty; nor does he ever tax those in Authority with any Male-Administration, a Word he has never us'd, nor any other by which the Thing may be imply'd. And he is so far from making any undutiful Reflections on her Majesty, or her Administration, that in several Writings he has published, and particularly one in Defence of her Title to the Crown, and Justification of her entering into a War with *France*, he has express'd himself with the most Hearty and Loyal Zeal for her Majesty's Person, Government, and Administration.

To the Charge, *That the said Henry Sacheverell, as a publick Incendiary persuades her Majesty's Subjects to keep up a Distinction of Factions and Parties*; he says he is so far from it, that in his said Sermon, he invites the Separatists to renounce their Schism, and come sincerely into the Church &c.

To the Accusation in the same Article, *That the said Henry Sacheverell instils groundless Jealousies, and foment destructive Divisions among her Majesty's Subjects*; he says, That in his said Sermon, he, on the contrary, Rebukes and Condemns those, who, by false Insinuations, imbroil the Publick.

To what is farther urg'd, *That the said Henry Sacheverell excites and stirs up her Majesty's Subjects to Arms and Violence*, he answers, God forbid he should be guilty of so heinous a Crime; who asserts the *Utter illegality of Resistance to the Supreme Power*; which assertion he conceives to be the chief, or only Ground of the Charge exhibited against him in the first Article.

For Confutation of this Charge, he offers one Passage out of his Sermon preach'd at Derby, in these Words; *We may be Partakers of other Mens Sins, if we do not, to the utmost of our Power, endeavour to obstruct, or prevent their Commission, when they manifestly endanger the Good of the Publick, &c.* And he hopes, That what he has said in the Dedication of the same Sermon, *That there are not wanting some to preach the Truth, and others to support it, at the expence of their Lives and Fortunes*, will not be constru'd, as exciting her Majesty's Subjects to Sedition, and Rebellion, since that Truth is by him oppos'd to the Attempts of those who betray the Principles and Interests of our Church and Constitution.

In the Sermon preach'd at St. Pauls, he excites Christians to put on the whole Armour of God, as wrestling, not only against Flesh and Blood, but against Principalities, against Powers, against the Rulers of the Darknes of this World, against Spiritual Wickedness in high Places. But the same St. Paul has taught him, That the Arms of Resistance taken up by Subjects against the higher Powers, are none of that Spiritual Armour; and the Principalities and Powers he speaks of, being plainly distinguish'd from Flesh and Blood, cannot, he thinks, be understood of Earthly Rulers.

As to the last part of this fourth Article, charging the said Henry Sacheverell with wickedly wresting and perverting divers Texts and Passages of Holy Scripture for imprinting his malicious Suggestions; he says, He had no Malicious Suggestions to imprint, and therefore no occasion to wrest the Scriptures. It is hard with the Ministers of the Gospel, if the Texts they cite shall be construed in the most criminal Sense, when they use them to excite Virtue, or reprove Mens Transgressions.

As to all other Matters in the said Articles contain'd, and not here Answer'd unto, the said Henry Sacheverell says, he is not Guilty of them, or any of them, in Manner and Form as they are Charg'd on him in and by the said Articles; and humbly submits himself to your Lordships Judgments.

## HENRY SACHEVERELL

After the Reading of the Answer the Doctor being ask'd, Whether or no he would abide by it? He answer'd in the Affirmative.

Affirmative. And then was order'd to withdraw. Their Lordships sent his Answer down to the Commons.

A Message from the Lords, by Mr. Rogers and Mr. Hiccocks, That they were commanded to acquaint the House of Commons, that Dr. Henry Sacheverell had put in his Answer to the Articles of Impeachment, sent from the House of Commons against him; which their Lordships communicated to the House, and desire that the said Original Answer may be return'd with convenient Speed.

*Ordered,*

That the said Answer of Dr. Henry Sacheverell, now sent from the Lords, be Read to-morrow Morning.

On the 26th, the Answer of Dr. Henry Sacheverell, sent from the Lords, being, according to Order, read by the Commons, it was

*Ordered,*

That the Answer of Dr. Henry Sacheverell, sent from the Lords yesterday, be referr'd to the Committee who were appointed to draw up Articles of Impeachment, which were exhibited by the Commons to the Lords, against Dr. Henry Sacheverell, for high Crimes and Misdemeanors; and that they do consider thereof, and report their Opinion, what is most proper to be done towards the farther Proceedings thereon. And they have Power to send for Persons, Papers, and Records. And they are to meet at such Times and Places as they shall think fit.

On the 2d of February, Mr. Dolben reported from the Committee to whom the Answer of Dr. Henry Sacheverell was referr'd to consider of the said Answer, and report their Opinion, what is most proper to be done towards the farther Proceedings thereon, That they had consider'd the same, and that they do find there are contained therein many Things not warranted by the Course of Proceedings upon Impeachments, foreign to the Charge, unbecoming a Person Impeach'd, and plainly design'd to reflect upon the Honour of the House; and do humbly submit to the Judgment of the House their Opinion, That, for avoiding any Imputation of Delay to the Commons in a Case of so great Importance, a Replication be forthwith sent up to the Lords, maintaining the Charge of the Commons; and the Committee have accordingly prepared the same; which they had directed him to report to the House; and he read the same in his Place, and afterwards deliver'd the Report in at the Table, where the same was read. And the Replication being read a second time, it was thereupon

*Resolved,*

That the said Replication be the Replication of the Commons to the Answer of Dr. Henry Sacheverell.

*Ordered,*

That the Replication be engrossed.

There



There were Debates in Relation to the engrossing of the Replication; when the Committee were desired to shew, what there was in Dr. Sacheverell's Answer, *not warranted by the Course of Proceedings upon Impeachments, foreign to the Charge, unbecoming a Person impeach'd, and plainly design'd to reflect on the Honour of the House.* The entering into these Particulars was declined; for which Reason, and because the Answer appear'd Full and Satisfactory, there was a Division upon engrossing the Replication, in which the Yeas were 182, the No's 88.

On the 3<sup>d</sup> of February, The engrossed Replication of the Commons to the Answer of Dr. Henry Sacheverell was read, being as follows.

*The Commons have consider'd the Answer of Henry Sacheverell, Doctor in Divinity, to the Articles of Impeachment exhibited against him by the Knights Citizens and Burgeses in Parliament Assembled, and observe, That there are many things in it not warranted by the Course of Proceedings upon Impeachments, foreign to the Charge of the Commons, unbecoming a Person Impeach'd, and plainly design'd to Reflect upon the Honour of the House of Commons in this proceeding, for which they might demand your Lordship's immediate Justice.*

*But the Commons being sensible that the Nature of the Crimes whereof he stands Impeach'd, and the Necessity of bringing him to a speedy and exemplary Punishment require, That all occasions of Delay should be avoided, and not doubting that your Lordships will in due Time vindicate the Honour of the Commons, and the Justice of their Proceedings. The Commons do aver their Charge against the said Henry Secheverell for high Crimes and Misdemeanors to be true, and that the said Henry Sacheverell is Guilty in such Manner as he stands Impeach'd, and that the Commons will be ready to prove their Charge against him at such convenient Time as shall be appointed for that purpose.*

*Ordered,*

*That the said Replication be sent to the Lords.*

*Ordered,*

*That the Original Answer be return'd to the Lords.*

*Ordered,*

*That Mr. Dolben do carry the Original Answer of Dr. Henry Sacheverell, and the Replication thereunto, to the Lords.*

On the 4<sup>th</sup> of February, A Message was sent from the Lords by Sir Richard Holford and Mr. Gery, That they were commanded to acquaint the House of Commons, that their Lordships have appointed Thursday next, at Seven of the Clock in the Morning, for the Tryal of Henry Sacheverell, Doctor in Divinity

divinity, at the Bar of their House; and that their Lordships will take Care, that there will be Conveniences made there for the Managers of the House, at the Tryal, upon the Impeachment against him. Hereupon the Commons

*Resolved,*

That the Managers be appointed to make good the Articles of Impeachment against Dr. *Henry Sacheverell*.

*Ordered,*

That the Committee to whom it was referred to draw up the said Articles, be the said Managers.

*Resolved,*

That this House will be present at the Tryal of the Impeachment against Dr. *Henry Sacheverell*, as a Committee of the whole House.

*Ordered,*

That a Message be sent to the Lords, to acquaint them with the said Resolution, and to desire that a convenient Accommodation may be prepar'd them. And

*Ordered,*

That Mr. *Bromley* (who moved this Matter) do carry the said Message to the Lords.

The House divided on this Question, *Yea's* 192, *No's* 180.

There was a long Debate upon this Message; in which the several Precedents of the Cases of the Earl of *Stafford*, and the Lord Viscount *Stafford*, were cited, whose Tryals were in the Court prepared in *Westminster-Hall*: And the Case of the *French Smugglers*, impeach'd 1698, for high Crimes and Misdemeanors, when there were Conferences, and free Conferences, between the Two Houses, about a convenient Accommodation for the Commons to be present at the Tryal; which the Lords agreed to, being convinced by the Reasons of the Commons. It was said, that the first regular Tryal upon an impeachment in Parliament, in the present Method, was the Tryal of the Earl of *Stafford*; and the Commons declared and insisted, *they had a Right to be present at the Tryal, as an House, or a Committee of the whole House, as they thought fit; and that they held it necessary and fit, that all the Members of the House should be present at the Tryal, to the end every one might satisfy his own Conscience, in the giving his Vote to demand Judgment.* In the Case of the Lord Viscount *Stafford*, the like Accommodation was never disputed; but in that of the *Smugglers* it was; and the Lords would have distinguish'd betwixt an Impeachment for High Crimes and Misdemeanors, and for High-Treason. Which the Commons answer'd, shewing, That the different Nature of those Crimes related only to the Punishment, and did not alter and change the Nature of the Court. And by the Strength of this and other Arguments which

which may be seen in the Reports of the Conferences and free Conferences entred on their Journals, they did, at last, prevail.

On the 6th of *February*, A Message from the Lords by Mr. *Gery* and Mr. *Hiccocks*, That the Lords had commanded them to acquaint the House, that their Lordships have ordered the Lords with White Staves, humbly to move Her Majesty from their House, that She will be pleased to give Order for a Place to be prepared in *Westminster-Hall*, for their Lordships to proceed upon the Tryal of *Henry Sacheverell*, Doctor in Divinity, who now stands impeach'd before their House.

The next Day, the Lords receiv'd a Message from Her Majesty, That Her Majesty would give Order for a Place to be prepared in *Westminster-Hall*, for their Lordships to proceed upon the Tryal of *Henry Sacheverell*, Doctor in Divinity, who now stands impeach'd before their House.

On the 8th, A Message from the Lords by Mr. *Medlycott*, and Mr. *Fellows*, That they were commanded by the Lords to acquaint the House, that Her Majesty hath given Order, that a Court be prepared in *Westminster-Hall*, for the Tryal of Dr. *Henry Sacheverell*; which will take up some Time; and that, therefore, the Tryal cannot be at the Time appointed, but that as soon as the Place is prepared, the House shall have Notice of the Day of Tryal.

On the 10th the Commons Ordered, That the Managers appointed to make good the Articles of Impeachment against Dr. *Henry Sacheverell*, have Power to send for Persons, Papers, and Records. And

That Mr. *William Borret* be appointed Solicitor to the said Managers, for prosecuting the said Impeachment.

Serjeant *Prat*, and Mr. *Raymond*, having declined being Council for Dr. *Henry Sacheverell*, the Lords, upon his Petition, Feb. 15th. assign'd him Mr. *Dee*, Mr. *Dod*, and Dr. *Henchman*, for his Council; as also Sir *Symon Harcourt*, and Mr. *Phipps*, before allowed by their Lordships; and Mr. *Huggins* his Solicitor.

The Lords on the 18th of *February*, appointed the 27th of the same Month for the Tryal of Dr. *Sacheverell*; on which Day, and the following Days, a great Concourfe of People attended him from his Lodgings at the *Temple*, to *Westminster* and at his Return, with great Acclamations and Shouts of, *God bless the Queen, God preserve the Church of England, and Dr. Sacheverell*; with some Imprecations on the *Whigs* and *Dissenters*, whom they called the *Doctor's Enemies*; stopping also Persons in their Coaches and Chairs in the Streets, forcing them to pull off their Hats to the *Doctor*: After this, followed great Tumults and Disorders every Evening, the Mob pulling down Meeting-Houses, and threatening a certain Prelate's House, (as he inform'd the Lords) calling him the *Presbyter*

an B—  
mons o  
was R  
Majesty  
Measur  
mented  
jesty's  
mation  
those I  
mults

No  
profess  
sing the  
general  
cepted  
Non-Ju  
vernme  
rors we  
it was

Ther  
certain  
imagin  
houses.

The  
No's 2  
The  
That h  
which  
Answ

H E  
C  
upon th  
at the  
immedi  
endeav  
to brin  
a Procl  
House.

R  
Tha  
Majesty  
O  
Tha  
upon r  
And



*an B—p.* A Complaint was made in the House of Commons of these Riots. And, thereupon on the 2d. of March it was *Resolved*, That an humble Address be presented to her Majesty, That she will be graciously pleased to take effectual Measures to Suppress the present Tumults, set on foot and fomented by Papists, Non-Jurors, and other Enemies to her Majesty's Title and Government; and to Issue her Royal Proclamation, promising a Reward to such as shall discover and seize those Incendiaries, as have been the Occasions of the late Tumults and Disorders.

No Member, in the least, justify'd these Tumults; and all professed a Readiness to concur in an Address for the suppressing them; but desired the Address might be so framed, in such general Words, that it might pass unanimously. They excepted to those Words, *Set on foot and fomented by Papists, Non-Jurors, and other Enemies to her Majesty's Title and Government*; because it did not appear, any Papists or Non-Jurors were concerned in them, but if they would be particular, it was moved *Republicans* might be added.

There was a Debate upon adding that Word; in which, a certain Gentleman argued against it, *because it was not to be imagin'd, they would be for pulling down their own Meeting-houses.*

The House divided upon the Word *Republicans*, Yea's 114, No's 279.

The same Day, Mr. Secretary Boyle reported to the House, That he had attended her Majesty with their Address. To which her Majesty had been pleased to give this very gracious Answer.

**H**ER Majesty is extremely sensible of the great Care and Concern of the House of Commons, for the Publick Peace, upon this Occasion; and as Her Majesty has a just Resentment at these Tumultuous and Violent Proceedings; so She will take immediate Care for suppressing them; and will lose no Time in endeavouring to find out the Authors and Abettors, in Order to bring them to Punishment: And to that Purpose, will cause a Proclamation to be publish'd, according to the Desire of this House.

*Resolved, Nemine Contradicente,*

That the humble Thanks of this House be return'd to Her Majesty, for her most gracious Answer to their said Address.

*Ordered, Nemine Contradicente,*

That a Committee be appointed to draw up an Address upon the said Resolution.

And a Committee was appointed accordingly.

And

And they were ordered immediately to withdraw into the Speaker's Chamber, to draw up the said Address.

Sir Thomas Parker reported the Address, which he drew up himself, and was as follows.

## The humble ADDRESS of the House of Commons to the QUEEN.

Most Gracious Sovereign,

**W**E your Majesty's most dutiful and loyal Subjects, the Commons of Great-Britain, in Parliament assembled, out of a deep Sense of the repeated Instances of your Majesty's unparalleled Goodness, beg Leave to return our most hearty Thanks for your most gracious Answer to our humble Address, and for your effectual Care in suppressing those rebellious Tumults, which were set on Foot and fomented by Papists, Non-Jurors, and other Enemies to your Majesty's Title and Government, in Defiance of the just Prosecution of the Commons against Dr. Henry Sacheverell.

And we must humbly beseech your Majesty to believe, that as this Prosecution proceeded only from the indispensable Obligation which we, your faithful Commons, looked upon ourselves to lie under, not to sit still and patiently see the Justice of the late happy Revolution, and the Glory of our late Royal Deliverer reflected upon, your Majesty's undoubted Title struck at, your Administration, by which so many Blessings are derived upon us, endeavoured to be render'd odious to the People, and represented as Destructive of the Church and Constitution, the present Establishment and Protestant Succession undermin'd, the Resolutions of Parliament treated with Contempt, the Governors of the Church, and your Majesty as Supreme, aspersed and vilified, the Toleration exposed as Wicked, and Sedition insolently invading the Pulpit.

So the Maintenance of your Majesty's Right, the Safety of your Person, the Quiet of your Government, the Continuance of our Happiness under your excellent Administration, the Succession in the Protestant Line, the Support and Honour of the Church of England as establish'd by Law, with that Toleration which is by Act of Parliament allowed to Protestant Dissenters, shall be our constant Care and Concern: And we will, upon all Occasions, venture all that is dear to us, in Defence of such inestimable Blessings.

Some Exceptions were taken to the Address; and it was moved, That it might be Recommended, because the Committee had exceeded their Commission, which was only to return Her Majesty Thanks for Her most gracious Answer. And in

the last  
was de  
the Ch  
on an e  
proper,  
willing  
ture fo  
all thes

The Lo  
of the  
their  
ered

First  
And ne  
of the C  
The M  
Peers e  
man U  
Rod.  
Barons.  
the He

Then  
Westmin  
House i  
that H  
followi

Oyez  
and cor  
Pain of  
Henry S

Then  
being S  
and Do  
Order o  
Proclam  
a Charg  
by the  
the Cor  
Doctor  
That he  
in Orde

Then  
less to g  
the Tim  
Lords h

the last Paragraph, there was a Promise, to venture all that was dear to them, in Defence of the *Toleration*, as well as of the Church of *England*. This was said to be putting them upon an equal Foot, which as many Gentlemen could not think proper, and never intended; for tho' they should be always willing to maintain the *Toleration*, yet they would not venture so much for that, as for the Church of *England*. But all these Exceptions were over-rul'd.

*The Lords having on the 18th of February appointed the 27th of the same Month for the Tryal of Dr. Henry Sacheverell, their Lordships proceeded from their own House to the Court erected in Westminster-Hall, in the following Order,*

First came The Lord Chancellor's Gentlemen, two and two. And next, The Clerks of the House of Lords, and two Clerks of the Crown in the Courts of *Chancery* and *Queen's Bench*. The Masters in *Chancery*, two and two. The Judges. The Peers eldest Sons, and Peers Minors, two and two. The Yeoman Usher of the House. The Gentleman Usher of the Black-Rod. The Peers, two and two, beginning with the youngest Barons. The Sergeant at Arms carrying his Mace. One of the Heralds. The Lord Chancellor alone.

Then, the Lords being seated in the Place prepar'd for them in *Westminster-Hall*; the Commons in a Committee of the whole House in the Seats provided for them, and the Managers for that House being at the Bar, the Serjeant at Arms made the following Proclamation.

Oyez! Our Sovereign Lady the Queen, doth strictly charge and command all manner of Persons to keep Silence, upon Pain of being Imprisoned; and then made Proclamation for *Henry Sacheverell*, Doctor in Divinity, to come forth.

Then the Doctor came to the Bar and knelt, his Council being Sir *Simon Harcourt*, Mr. *Dodd*, Mr. *Phipps*, Mr. *Dee*, and Doctor *Henchman* standing by him; and he rising by Order of the Lord Chancellor, the Serjeant at Arms made Proclamation again to this Effect, viz. Oyez! That Whereas a Charge of High Crimes and Misdemeanors had been brought by the *House of Commons*, in the Name of themselves and all the Commons of *Great-Britain*, against *Henry Sacheverell*, Doctor in Divinity, all Persons concern'd were to take Notice, That he then stood upon his Tryal, and they might come forth in Order to make good the said Charge.

Then the Lord Chancellor told the Doctor that, it was needless to give him any Directions concerning his Behaviour during the Time of his Tryal, or the ordering his Defence, because the Lords had not only allow'd, but assign'd him the Council he desired



desir'd, both of the Civil, and Common-Law, who wou'd be well able to direct, and advise him, not only in the Substance but Form of his Defence. The Lords had also made an Order for summoning all such Witneses as he had desir'd to appear for him. And that he might be the better able to provide for his Defence, he had his Liberty granted on the first Application for it, and giving Security for his Appearance; and that he also had all the Time he thought fit to desire, in Order to prepare for his Defence. So that he ought to remember, that their Lordships have us'd him with all the Indulgence he could reasonably expect.

Then the Clerk was Directed by the Lord Chancellor to read the Articles of Impeachment, the Doctor's Answer, and the *House of Commons* Replication, as before recited, which was accordingly done. And then Mr. *Attorney General* spoke first, to this effect, to their Lordships.

That he was Commanded by the House of Commons, in behalf of all the Commons of *Great Britain*, to make good the Impeachment against the Prisoner at the Bar, Doctor *Henry Sacheverell*.

That the Misdemeanors he stood accused of were specify'd in the Articles which had just then been read to their Lordships, and the Facts there charged were Laid to have been done with a Wicked, Malicious, Seditious Intention, to Undermine and Subvert Her Majesty's Government, and the Protestant Succession as by Law established, to Defame her Majesty's Administration, to Asperse the Memory of His late Majesty King *William*, to Traduce and Condemn the late happy Revolution, to Contradict and Arraign the Resolution of both Houses of Parliament, to create Jealousies and Divisions amongst Her Majesty's Subjects, and to incite them to Sedition and Rebellion, and then told their Lordships; if the Charge was made good (as he was apt to think it would) he might presume to say no Words could either aggravate or alleviate the Offence.

That the Proofs in this Case would arise from Evidence which could not be liable to the Imputation of being overaw'd by the Weight of the Prosecutors, or corrupted, or perverted; for his Charge should be from his own Mouth, and his own Words and Sermons, they should convict him.

He cou'd with Truth say, that it was no small Trouble to the Commons of *Great Britain*, to have that Occasion of coming in that Manner before their Lordships: Could they have satisfy'd themselves that Her Majesty's Honour, the Safety of Her People, and the Protestant Succession as by Law established were not highly concerned to bring that Man to speedy Justice, they could very willingly have spar'd their Lordships that Trouble.

But when they consider'd of what Import it was to the Nation, how much it concern'd the very Being of our Constitution, to Discountenance and put an End to such Sort of Seditious Proceedings as the Doctor and some others of his Brethren had been lately practising in divers Parts of the Kingdom, they could not think otherwise than that it was a Matter fit for the grand Inquest of the Nation to take Notice of; and finding it to be a Cause of so great Moment to the Publick, they judg'd it fit to be taken under their own Management, and not trust it to the Decisian of any Inferior Tribunal. And, that it was agreed that their Lordships were the only proper Judges, when the whole Commons of *Great Britain* found it necessary to be the Prosecutors; nor could Doctor *Sacheverell* have any just Cause to complain of that Manner of Proceeding, when it gave him so publick an Opportunity of Defending himself (if his Innocence could clear him;) and what could he desire more, when he lay under so heavy an Accusation, than to have their Lordships for his Judges, who had already shewn their great Indulgence to him, by allowing him (as a Noble Lord from the Woolpack just then observ'd) all the Advantages a Man under his Circumstances could ask, or desire to have.

That the Prosecution took its Rise from a Complaint that had been made in the House of Commons the 13<sup>th</sup> of *December* last, of two Books which were lately Printed and Published under the Name of Doctor *Henry Sacheverell*: The Books being delivered in, several Paragraphs read, and by divers Passages, too many for him then to Enumerate to their Lordships, it did plainly appear that both Books did contain very Scandalous and Seditious Matter, highly reflecting upon the Queen and Her Administration.

Whereupon the Doctor had been ordered to attend; which he did accordingly the next Day, and at the Bar of the Commons House own'd and avow'd both Books to be his, That they were Sermons that he himself had Preach'd, and that he had caused them to be Printed and Published.

After such a Confession their Lordships might imagine Her Majesty's Dutiful Commons did express their just Resentments of the great Wrong and Injuries that were done to Her Majesty, and all that were in Authority under Her, and immediately ordered that Impeachment.

That their Lordships would perceive, by Perusal of the Sermons and Epistles Dedicatory, that the Design and Drift of the same was to possess the People with strange Notions, and terrible Apprehensions of the Danger they were in by a General Male-Administration of the Publick Affairs both in Church and State.

That both those Sermons were Preach'd upon Publick Occasions,

casions, and had, since the Printing thereof, been handed about with more than ordinary Application.

That one of those Books was entitled [*The Communication of Sin*] being a Sermon preach'd at the Assizes held at *Derby*, in *August* last; and because the Doctor thought he had not said enough against the Queen and Her Government in the Sermon, he affix'd a Dedication to it, wherein he affirm'd, That the Principles of our Church and Constitution were shamefully betray'd and run down; that both were persecuted, on the one Side by rude and presumptuous Insults, and base undermining Treachery on the other, and that this Persecution was carry'd on by associated Malignants.

The other Sermon had been Preach'd at *St. Pauls, London*, on the Fifth of *November*, a Day set apart for a general Thanksgiving for two very great Deliverances vouchsafed to this Nation, by the Discovery of the Gunpowder Plot, and the Arrival of His late Majesty King *William* to Redeem us from Popish Tyranny and Arbitrary Power.

That when their Lordships came to hear that Sermon read, he was confident it must appear very strange, to find that when there were two such memorable Occasions for the Doctor to have set forth his Eloquence in a Thanksgiving Sermon, he should, in great measure have pass'd by both the Business of the Day, and entertain'd his Audience with a long Harangue of the deplorable Condition the Church was in, not so much from Papists, the avow'd Enemies of the Church, as from her pretended Friends, as he call'd them, the False Sons of the Church, who were crept into her Bowels, and shew'd themselves to be perfidious Brethren, by defending Toleration and Liberty of Conscience, and favouring the Dissenters.

And to shew his little Liking of the great Work which had been begun on that Day by the Arrival of his late Majesty, the chief Turn of his Discourse was to cry up Non-Resistance and Passive-Obedience.

And to make it most Evident, that what he said of Non-Resistance had been to cast black and odious Colours upon the Revolution, he laid down a general Position, *That it is not lawful, upon any Pretence whatsoever, to make Resistance to the Supreme Power*; which Supreme Power, by other Passages, he explain'd to be the Regal Power.

And being apprehensive that every one that heard him Talking in that manner against Resistance, would see plainly he was Censuring and Condemning the Means that brought about the Revolution, and being desirous to cast as heavy Reflections as he could upon the Memory of King *William*, he asserted, *That the Prince of Orange in his Declaration utterly disclaim'd all manner of Resistance.*

That every Body who knew any thing of the Revolution,



must know that the Prince of Orange came over with an Arm'd Force, and that in several Paragraphs of his Declaration, (the Doctor spoke of) *His late Majesty invited and requir'd all Peers of the Realm, both Spiritual and Temporal Lords, all Gentlemen, Citizens, and other Commoners, to come in and Assist him, in order to the executing that Design he had then undertook against all that should endeavour to Oppose him.*

Therefore it must have been accounted very ridiculous for the Doctor to advance such a Position, if he had no farther Meaning in it, than to give an Account of the Prince of Orange's Design in coming over into England.

And this would make it necessary for their Lordships to consider what was the true Meaning of that Assertion; was it not plainly to make the Prince of Orange say one thing, and at the same time do directly another? And could this be done with any other Design, than to asperse the Memory of the late King William?

Then as to his Discourse concerning Passive-Obedience and Non-Resistance, in such Latitude as was there mention'd, what could it tend to but to cast Reflections upon that Resistance which had been the Means to bring about the Revolution.

For was there any Occasion at that time to be so earnest to cry down Resistance, and preach up Passive-Obedience?

Could any one pretend to say there were any Symptoms of Discontent throughout the Nation, in any Parts thereof?

No: To their Comfort, no Reign, no Age, no History could give a better Account of the good Dispositions of the People to their Sovereign. Therefore since the Preaching those Doctrines had been needless, it savour'd of some wicked Design to be talking so unseasonably of that Subject.

If what the Doctor very frequently asserted in that Sermon were true, *That all were False Sons of the Church who assisted in bringing about the Revolution, or that join'd in the Opposition that have been made to the Encroachments begun by evil Ministers in the Reign of King James the Second, against their Religion and Liberties*, the Doctor should a little consider how far his Character of a *False Brother* might be carry'd.

That every Body who liv'd in those Days knew, that the Body of the Clergy of the Church of England had made a noble Stand against the Encroachments which were then making, and appear'd as Active as any of the Laity.

And had it not been by their Writings, Preaching, and Example, that the Nobility and Gentry were Animated to maintain and defend their Rights, Religion and Liberties? And as an undoubted Monument that such had been the Sense of the whole Kingdom at the Time of the Revolution, it was entered into the Journal of the House of Commons on the First of February, 1688,

*That the Unanimous Thanks of the House was given, Nemine Contradicente, to the Clergy of the Church of England, for the great Services they had done their Religion and Country, by the Opposition they had made to the Execution of the Ecclesiastical Commission, and their refusing to read the King's Declaration for a Toleration, which was then Founded upon the dispensing Power.*

And how had the Arch-Bishops receiv'd the Message sent them upon that Occasion, for them to Communicate that Resolution to the Clergy in their respective Diocesses?

The Journals told them, that Mr. *Levison Gore* had the next Day acquainted the House of Commons with his attending the two Arch-Bishops, according to Order, with the Thanks of the House; and that Arch-Bishop *Sancroft*, and the then Arch-Bishop of *York*, return'd their Thanks to the Commons for themselves, and in behalf of all their Clergy, for their favourable Vote.

That their Lordships and the Commons were then happy enough to be thought favourable to the Clergy of the Church of England; and yet those very Commons were the Men who pass'd the Toleration Act for exempting Protestant Dissenters from the Penalties of certain Laws, as one of the most necessary Acts for the Good of the Kingdom.

And had they not been encourag'd to go about that Charitable Work, by the Petition of the Seven Bishops presented to King *James*, wherein they acquainted him, *That it was not for Want of a due Tendernefs to Dissenters which made them refuse reading his Declaration for Toleration to Dissenters, in relation to whom they were willing to come to such a Temper as should be thought fit, when the same came to be Consider'd in Parliament.*

But when the same had been Consider'd in Parliament, and the Toleration Settld and Establish'd by the Legislative Authority of the Kingdom, and Ratify'd and Approv'd of in this Reign, by Her Majesty and both Houses of Parliament; Doctor *Sacheverell* belike disapprov'd of it, and was pleas'd to tell them in a most extraordinary Manner, *That a Man must be very weak, or something worse, that thought or pretended the Dissenters were to be gain'd by any other Grants and Indulgences, than giving up the whole Constitution; and he that receded the least Tittle from it, to satisfy and ingratiate with those Clamorous, Insatiable, Church-devouring Malignants knew not what Spirit they were of.*

After such an ample Declaration of his Opinion, what fatal Consequences would attend the granting Indulgences to Dissenters? Could the Doctor imagine that his saying, in his Answer to the Articles, *That he intended not to cast the least invidious Reflection upon that Indulgence the Government had*

*condemned*

*condemned*  
he had

If a  
and tv  
Grave  
as bei  
interce

beth t  
Arch-  
Henry

astical  
should

He  
Tolera  
betwe

The  
gent I  
Tolera

Hov  
ration

Libert  
there v

ter the  
over,

tice of  
Articl  
in Her

1705,  
Maint

Tha  
such I

Lectur  
latter

been p  
the Lo

whose  
the R

rying  
Fatal

And  
Credit

Overth  
the Co

And  
Preach  
those C  
and all

*condescended to give them, would take off the hard Censures he had pass'd upon Dissenters?*

If an Arch-Bishop, who had been Dead almost a Hundred and twenty Years could not be permitted to rest quiet in his Grave, without having foul Aspersions cast upon his Memory, *as being a false Son, and a perfidious Prelate of the Church*, for interceding (as Doctor Sacheverell said) with Queen *Elizabeth* for the Dissenters in those Days: What could the now Arch-Bishops and Bishops of the Church expect from Doctor *Henry Sacheverell*, if they did not thunder out their Ecclesiastical Anathema's against Dissenters, as often as the Doctor should think there was occasion for them?

He Perceiv'd the Doctor hop'd to salve all he had said against Toleration to Dissenters, by a nice Distinction he had hit upon between an Indulgence and a Toleration.

Therefore he told your Lordships, *that, upon the most diligent Inquiry, he had not been able to inform himself that a Toleration had been granted by Law.*

How could the Doctor pretend to say, that the Word Toleration had never been made use of to express the Religious Liberty and Indulgence granted and allow'd to Dissenters? If there wanted Authorities to Justify the Use of the Word, after the Doctor had made use of it, in the same Sense over and over, in many Passages in his Sermon, as would be taken Notice of by the Gentlemen that were to make good the second Article, the Doctor might be put in mind, that Her Majesty in Her Speech from the Throne, on the 17th of *December*, 1705, had been pleas'd to declare, *That she would inviolably Maintain the Toleration.*

That as the Time was most Unseasonable for the Preaching such Doctrines, so the Place had been very Improper for a Lecture of Politicks: For their Lordships did perceive that latter Sermon, preach'd on the Fifth of *November* last, had been preach'd in the Great Metropolis of the Kingdom, before the Lord-Mayor, Aldermen, and Citizens of *London*; from whose steady Loyalty to Her Majesty, and firm Affections to the Revolution, such vast Sums had been contributed for carrying on the long War against *France*, which had prov'd so Fatal to the *French King*, and other Enemies of the Kingdom.

And what more likely to give a fatal Wound to the Publick Credit at that Time, than such Doctrine which tended to the Overthrow of all the Acts of Parliament made in Support of the Constitution.

And how strange an Attempt had it been for the Doctor to Preach against the Revolution and the Government, before those Citizens who ow'd the Restoration of their Charters, and all their Franchises and Immunities, to it.



But, that to do Justice to the Doctor, he in his Answer deny'd he hath said any thing of the Means which brought about the Revolution.

And if their Lordships could believe him, he said, *He had endeavour'd to Vindicate the Revolution from the black and odious Colours the Enemies of the Revolution would throw both upon that and his late Majesty.*

To what End and Purpose then were those Doctrines Preach'd with so much Vehemence at that Time, unless it were to reflect backwards upon what had been done at the Time of the Revolution ?

There was certainly no Occasion to Preach Non-Resistance to Her Majesty's Loyal and Dutiful Subjects, who had never shewn the least Inclination to give Disturbances to the present Government.

He ask'd, Whether there had ever been so Universal an Agreement in all Ranks and Degrees in the Nation ? Whether every one did not almost strive to shew their Zeal and Affection for Her Majesty and Her Government ? If there were any less quiet than their Neighbours, they would be found amongst the Friends of Doctor *Sacheverell*, who were professedly no Friends to the Revolution. Nothing being more certain, than that all who were not satisfy'd with what had been done at the Time of the Revolution, must be Enemies to the present Establishment ; and 'twas from that Source all those Declamations against Men of Character and Station both in Church and State did proceed.

But he would have the Doctor consider, that there were Laws to punish Spreaders of false News and horrible Stories of the Great Men and Great Officers of the Kingdom ; and 'twas to put a Stop to those malicious Practices then on Foot, that he was then brought to the Bar as a Delinquent.

That when they had read their several Proofs, which would Justify every Particular charg'd on the Doctor in the Articles of Impeachment, the Commons would not doubt of their Lordships Judgment against that Defendant.

After Mr. *Attorney-General*, Mr. *Lechmere* told their Lordships,

That he was commanded to Assist in stating to them the Grounds of the Charge of the Commons, and the Nature and Tendency of the Crimes then before them in Judgment.

That an Impeachment of the Commons of *Great Britain* had been open'd to them ; The Subjects of both Nations had an equal Concern in that which was the Ground of it ; They were happily united in this Prosecution, and the common Interest of their Lordships, and all of them was inseparable in its Event.

That

That  
Greatne  
but for  
presum  
The  
in ever  
liberati  
ty of th  
with g  
Difficu  
They a  
themse  
tant a  
shew'd  
great  
In fi  
a Prea  
of their  
to the  
tice of  
ceed ;  
know  
sert th  
tions o  
that th  
on, m  
transf  
The  
many  
Groun  
that a  
They  
not m  
never  
too m  
ny Pr  
And  
of the  
led to  
him  
it ha  
He  
mons  
them  
in th  
Ente  
Forc  
Pow

That no more needed to be said to their Lordships of the Greatness of that Cause, not for the Person of the Offender, but for the high Importance of those Matters which he had presum'd to draw in Question.

The Commons, on their part, had been exceeding careful, in every Step of that Proceeding, that it should receive a Deliberation suitable to the *Weight of the Cause*, and the *Dignity of the Commons*; and they observ'd it to their Lordships, with great Satisfaction, That by their ready Concurrence no Difficulties had arisen to delay or discourage their Impeachment: They ascrib'd it to a Desire in their Lordships, equally with themselves, to cultivate a good Correspondence on so important an Occasion, and to that due Regard, their Lordships shew'd to the Course of Impeachments, *the ancient Right*, and *great Security* of the Commons.

In framing their Charge, the Commons had thought fit, by a Preamble to their Articles, to lay before them the Grounds of their Accusation, in Terms the most cogent and expressive; to the end, their Lordships might have early and perfect Notice of the Points, on which the Commons intended to proceed; That their Lordships, and the whole Kingdom, might know the unanimous and hearty Zeal of the Commons to assert the Justice of the late happy Revolution, and the Foundations of Her Majesty's Government and Administration; and that the *Judgment* of the Commons, on that weighty Occasion, might stand *fully on the Records of Parliament*, and be *transmitted to all Posterity*.

Their Lordships would observe, in reading their Evidence, many Things excepted to by the Commons, precedent to the Ground of their first Article; but you would soon perceive that all Parts of the Design of the Prisoner center'd in that: They could not therefore have acquitted themselves, had they not made that their Foundation; Being firmly convinc'd, they never could have the Honour and Justice of that glorious Work too much at Heart, nor be too Jealous of those who under any Pretences, *tho' never so specious*, should attempt to lessen it: And when they consider'd the certain Dependence the Justice of the late Revolution it self must have upon the Steps that led to it, they could not doubt but their Lordships would think him equally Criminal, who condemn'd the Means by which it had been effected.

He said, *The necessary Means* (the Phrase us'd by the Commons in their first Article) were Words made choice of by them *with the greatest Caution*. Those Means were describ'd, in the Preamble to their Charge, to have been, That glorious Enterprize, his late Majesty had undertaken with an arm'd Force, to deliver this Kingdom from Popery and Arbitrary Power; the Concurrence of many Subjects of the Realm, who

Came over with him in that Enterprize, and of many others of all Ranks and Orders, who had appear'd in Arms in many Parts of the Kingdom, in Aid of that Enterprize.

That those were the Means which brought about the Revolution, and which the Act pass'd soon after, declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown, intended, when his late Majesty was therein called *the glorious Instrument of delivering the Kingdom*; and which the Commons, in the last part of their first Article, express'd by the Word *Resistance*.

But the Commons, who would never be unmindful of the *Allegiance* of the Subjects to the *Crown* of this Realm, had judg'd it highly incumbent upon them, out of regard to the Safety of Her Majesty's Person and Government, and the Ancient and Legal Constitution of this Kingdom, to call that Resistance, *The Necessary Means*. Thereby plainly founding that Power, and Right of Resistance which had been exercis'd by the People at the Time of the happy Revolution, and which the Duties of Self-preservation and Religion call'd them to, upon the Necessity of the Case, and at the same time effectually securing Her Majesty's Government, and the due Allegiance of all Her Subjects.

Their Lordships would find, That the Prisoner, in his Sermon preach'd at *St. Pauls*, had asserted a Doctrine in direct Defiance and Contradiction of that Resistance us'd to bring about the Revolution, when he affirm'd the utter Illegality of Resistance, on any Pretence whatsoever, to be a Fundamental of the Constitution; and, as their Lordships would hear it fully made out from the Proofs by those Gentlemen to whom that Part was assign'd, he had also plainly declar'd himself, that even that Resistance us'd at the Time of the late happy Revolution was not to be excepted out of his fundamental Rule.

That when a Preacher of the Gospel, and a Minister of the Church of *England*, even under the then happy Establishment, should thus publicly condemn the Foundations on which it stood, in Defiance of Her Majesty and the great Council of the Nation then sitting in Parliament, it becomes an indispensable Duty upon them, who appear'd in the Name and on the Behalf of all the Commons of *Great Britain*, not only to demand their Lordships Justice on such a Criminal, but clearly and openly to assert their Foundations.

He crav'd Leave to remind their Lordships of the Condition of Things in both Kingdoms, immediately preceding the late Revolution; The Case he said was stated and recorded, between the late King *James* and the Subjects of both Kingdoms, in the several Declarations of the Rights of both Nations made by them at that Time;

That



That he would forbear to aggravate the Miscarriages of that unhappy Prince, further than by saying, That it was declared in the Preamble to the Bill pass'd in *England*, *That by the Assistance of Evil Counsellors, Judges and Ministers, employ'd by him, he did endeavour to subvert and extirpate the Protestant Religion, the Laws and Liberties of the Kingdom, in the several Instances there enumerated:* And in that passed in the Kingdom of *Scotland* it stood declared, *That, by the Advice of Evil Counsellors, he did invade the Fundamental Constitution of that Kingdom, and alter'd it from a Legal limited Monarchy, to an Arbitrary Despotick Power.*

Their Lordships, on that Occasion, might again consider the ancient Legal Constitution of the Government of this Kingdom, from which it would evidently appear to them, that the Subjects of this Realm had not only a Power and Right in themselves to make that Resistance, but lay under an indispensable Obligation to do it.

The Nature of their Constitution being that of a limited Monarchy, wherein the Supreme Power was communicated and divided between Queen, Lords and Commons, tho' the Executive Power and Administration were wholly in the Crown. The Terms of such a Constitution did not only suppose, but express an Original Contract, between the Crown and the People, by which that Supreme Power had been [by mutual Consent, and not by Accident,] limited and lodg'd in more Hands than one; and the uniform Preservation of such Constitution for so many Ages, without any fundamental Change, demonstrate the Continuance of the same Contract:

That the Consequences of such a Frame of Government were obvious; that the Laws were the Rule to both, the common Measure of the Power of the Crown, and of the Obedience of the Subject; and if the Executive Part endeavour'd the Subversion, and total Destruction of the Government, the Original Contract was thereby broke, and the Right of Allegiance ceased; that Part of the Government, thus fundamentally injured, having a Right to Save or Recover that Constitution, in which it had an Original Interest.

And, the Nature of such an Original Contract of Government shew'd, that there was not only a Power in the People, who have inherited that Freedom, to Assert their own Title to it, but they were bound in Duty to transmit the same Constitution to their Posterity.

That it was mispending their Lordships Time to Illustrate that particular, which was an Eternal Truth, essential to the Government it self, and not to be defaced, or destroy'd, by any Force or Device. For it appear'd from every Branch of the Government, That the Rights of the Crown of *England* were legal Rights, and its Power stated and bounded by the Laws

of

of the Kingdom, That the Executive Power and Administration it self was under the strictest Guard, for the Security of the People, And that the Subjects had an Inheritance in their ancient fundamental Constitutions, and the Laws of the Land, That being the Tenor of all Antiquity, Histories and Records, affording innumerable Proofs of it; and when their Lordships look'd back on the History of *Magna Charta* alone, they could not doubt of the Sense of their Ancestors, that they were Masters of Franchises that were truly their own, and which no Earthly Power had Right to extort from them: Many other Valuable Relicts, of incontestable Authority being lost then by their Popish Ancestors, as Proofs of the Freedom of their Constitution, of the constant Claims they made, both in and out of Parliament, to their Inheritance in their Laws, against the Incroachment of Arbitrary Power; and when the *last Extremity* had call'd them to it, they had never fail'd to vindicate them by the Arms of Resistance.

*That such had been the Genius of a People, whose Government was built on that noble Foundation, not to be bound by Laws to which they did not Consent; that, muffled up in Darknes and Superstition, as their Ancestors were, yet that Notion seem'd engraven on their Minds, and the Impressions so strong, that nothing could impair them.*

That, upon the Reformation of Religion, when all Foreign Power had been abolished, and the Supremacy of the Crown restor'd to its height by many Acts of Parliament, their Lordships would always find Declarations at the same time made, of the Rights of the People, particularly that of the 25th of Henry VIII. where 'twas said, *That the Realm of England is free from any Man's Laws, but such as have been devised, made and ordain'd within the same, for the Wealth of it, or such other as the People of the Realm have taken at their free Will and Consent, and by long Use have bound themselves to, as the Ancient Establish'd Laws of the Realm, and none otherwise.*

He doubted not their Lordships would consider those Laws made at that time, to be fresh and remarkable Declarations and Ratifications, of the Original Contract.

That Excellent Constitution of the Government, having thro' many Struggles been preserv'd from that Time till then, and the true Spirit of the *English Nation* still kept alive, down to the Times of the late happy Revolution; At which time the Danger being imminent, not only to the Laws and Liberties of the Kingdom, but to the Protestant Religion, *The Ancient Virtue of the English Nation* had exerted itself, and shone out in its full Lustre, in that Glorious Work.

That the many Laws pass'd since, more particularly those for the Settlement of the Crown and Succession, were so many repeated Declarations of their late Majesty's, and Her Majesty's

then on the Throne, together with the Representative Body of the Nation, in Confirmation of their Ancient Constitution; Nay, they had higher Testimonies to appeal to, the many glorious Successes with which God Almighty had blessed the Arms of Her most Sacred Majesty, employ'd in Defence of the Arms of Resistance, were so many Testimonies from Heaven in their Vindication.

Their Lordships might take Notice on what Grounds the Doctor continu'd to assert the same Position in his Answer. But was it not most evident, that the General Exhortations to be met with in the Homilies of the Church of *England*, and such like Declarations in the Statutes of the Kingdom, were meant only as Rules of the Civil Obedience of the Subject to the Legal Administration of the Supreme Power in ordinary Cases? And it was equally absurd to construe any Words in a positive Law to authorize the Destruction of the whole; as to expect that King, Lords and Commons should, in express Terms of Law, declare such an ultimate Resort as the Right of Resistance, at a time, when the Case suppos'd, that the Force of all Law was ceas'd.

But the Commons thought he had, by his Answer, highly aggravated his Crime, by charging so pernicious a Tenet, as that of absolute unlimited Non-Resistance, to be a Fundamental Part of the Government, and by asserting that as the Doctrine of the Church of *England*.

That it was a great Reproach to the Excellency of the Constitution, to impute such Principles to it as inevitably infer'd its Destruction; and an equal Dishonour to the Crown of the Realm, the great Glory of which was to be set over and govern a Nation of Free-born Subjects, the meanest of which had an Inheritance in the Government and the Laws equal with the greatest.

They likewise esteem'd it an high Reflection on Religion itself, and the Church of *England*, to charge its purest Doctrines with such Constructions, by which all Irreligion and Oppression would be Authoriz'd.

That, the Commons must for ever consider themselves under the strongest Obligations of Gratitude to their great Deliverer, to assert the Honour and Justice of that Resistance, by which he had rescu'd an Oppress'd People from inevitable Destruction; and thought they should not deserve the Name of Subjects of *Great Britain*, or the least Blessing of so good a Government, if at that time before their Lordships, and forever after, they did not assert, in the most strenuous manner, the Honour and Justice of that Resistance which had brought about the late happy Revolution. And upon that Foundation was, that they doubted not but their Lordships would in a Parliamentary



Parliamentary way fasten a Brand of indelible Infamy on that enslaving Tenet by which it hath been condemn'd.

He declar'd, He would take up less of their Lordships Time on the following Articles.

That, The Commons esteem'd the Toleration of Protestant Dissenters to be one of the earliest and happiest Effects of the late Revolution, wisely calculated for the Support and strengthening the Protestant Interest, the great End of the Revolution it self.

They remember'd, with the highest Gratitude to Her Majesty, Her Royal Resolution declar'd from the Throne, to preserve it inviolably ; and they observ'd their Lordships, that it appear'd to them, from a Report on their own Journals of a Conference between both Houses, on the Bill against *Occasional Conformity* (not meant to enlarge the Liberties of Protestant Dissenters) That the Persecution of Protestants was, in the Preamble to that Bill, declar'd *to be the contrary to the Christian Religion, and the Doctrine of the Church of England, and that the Act of Toleration ought to be kept inviolably* ; and the Commons found no Exception then taken by their Lordships to that Declaration, but on the contrary, many Expressions from both Houses, highly extolling the Policy and good Effects of that Law.

Their Lordships would perceive, from the Evidence of the Commons, many plain Declarations of the Prisoner in Maintenance of that Article ; but offer'd it to their Lordships, as further Evidence, that the Doctor most shamefully arraign'd the Memory of a Prelate, Eminent for his Zeal to the Protestant Religion, for his compassionate Intercessions with Queen *Elizabeth*, in favour of Dissenting Protestants ; a Reflection plainly meant by him to cast an Odium on the Act of Toleration, and on the then Fathers of the Church, so Eminent for their Charity and Moderation ; and from the Applauses he gave to the Severities shown by that Queen, he illustrated the Calumny thrown by him on Her present Majesty, and Her Approbation of the Toleration : Their Lordships might please duly to consider the Malignity of Expressions meant to condemn so good a Law, then standing in its full Force, and to encourage the Unchristian Principles of Persecution.

That the latter Part of the second Article was founded on the Legal Supremacy of the Government in Matters Ecclesiastical, by which all Ecclesiastical Jurisdiction, by the Ancient undoubted Laws of the Kingdom, had been made Subject to the civil Power.

The Prisoner, in Terms very unbecoming, having struck at that Essential Part of the Constitution, in those Words, wherein, after having perswaded the Superior Pastors of the Church

to thun  
He def

The  
their L  
in this  
apparen  
in the  
remain

But t  
pendant  
astical J  
was not  
tradicti  
destruct  
ture, a  
Princip  
of the C

That  
the Leg  
Letter t  
bruary  
Majesty  
deavours

land as  
the Supr  
those C  
equal Re  
importan

Their  
cluded v  
Common  
Substanc  
the Hon  
they had  
before th  
Consider

And w  
ture, wh  
Authors  
the Priso

erate pri  
Houses, a  
of the Q  
endeavou

That t  
for the S  
always e  
Attempt

to thunder out their Anathema's against Protestant Dissenters, He defy'd any Earthly Power to reverse such Sentences.

The restoring the Legal Supremacy of the Crown, he told their Lordships was the Effect of the Reformation of Religion in this Kingdom; and that the Abuse of that Power, to the apparent Danger and Destruction of the Church of *England*, in the Instance of the late illegal Ecclesiastical Commission, remain'd condemn'd by the Bill of Rights.

But the Commons crav'd Leave to observe, that the Independent Power, or Jurisdiction of the Church, or of Ecclesiastical Judges, being the Doctrine advanc'd by the Prisoner, was not less dangerous; as it stood in utter Defiance and Contradiction of *Magna Charta*, and the Laws of the Land; was destructive of the Legal Supremacy of the Crown and Legislature, a Violation of the Oath of Supremacy, contrary to the Principles of the Reformation, and the Doctrine and Interest of the Church of *England*, of which he was a Member.

That the Commons were strengthen'd in their Concern for the Legal Supremacy, when they call'd to mind Her Majesty's Letter to his Grace of *Canterbury* of the twenty fifth of *February* 1705, for Proroguing the Convocation, wherein Her Majesty had been pleas'd to declare Her constant Care and Endeavours to preserve the Constitution of the Church of *England* as by Law Establish'd, and Her Resolution to preserve the Supremacy, as being a Fundamental Part of it: And upon those Considerations they had an absolute Assurance of an equal Regard on their Lordships Part, to a Matter of so great Importance.

Their Lordships might observe the third Article to be included within the general Charge of the fourth: But, the Commons being sensible, with how distinguish'd a Malice the Substance of that Charge was levell'd by the Prisoner, against the Honour of Her Majesty and the two Houses of Parliament, they had thought it their Duty to Her Majesty to lay that before their Lordships in a distinct Article, for their particular Consideration and Judgment.

And when their Lordships reflected on the late heavy Censure, which the Queen and both Houses so justly laid on the Authors of the like groundless Slander, they would think that the Prisoner, had reviv'd and avow'd the same, from an Inveerate pride, to signalize his Enmity to Her Majesty and both Houses, and in the most publick Manner to insult the Honour of the Queen and Legislature at that same Time that he was endeavouring to subvert their Foundation.

That the Commons would ever shew the utmost Jealousy for the Safety and Honour of Her Majesty's Person, and must always esteem it their peculiar Concern to vindicate every Attempt that should be made against it; and assur'd their Lordships

ships they could not be forgetful of that signal Regard Her Sacred Majesty had shew'd to the Church of *England*, at the Time of the late Revolution, Of that constant Uniform Zeal She had express'd for it from that Day forward, That perpetual Monument of Her Royal Bounty to the Clergy of the Church of *England*, to the Diminution of Her own Revenue, nor of Her Royal Care for the perpetual Establishment of its Discipline and Worship, in making it a Fundamental and Essential Part of the Union of the two Kingdoms: These Things they esteem'd an Absolute Security, that Her Royal Protection and Affection for the Church of *England* could never fail.

They doubted not of their Lordships particular Notice of the Parallel mention'd in that Article, by which their Lordships would collect the Inveteracy of the Design, from the Odiousness of the Comparison.

That in the fourth Article, the Commons had laid before their Lordships many Charges, which tho' of different Considerations, yet all conduc'd to the main Charge of the Commons; As tending to undermine Her Majesty's Government, and to raise Sedition and Rebellion.

And their Lordships would find, from many and pregnant Proofs supporting the said Article, That Her Majesty's Administration, whereby She had justly gain'd the Affections of all Her true Subjects, was represented by the Prisoner as deserving the utmost Odium and Contempt of Her People;

That the Civil and Religious Rights of Her Subjects, which Her Majesty had protected with the Tenderness of a most indulgent Mother, were betray'd by those to whom She had committed the Care of them, and that they were in a Condition more Calamitous, than at that time, when Superstition and Tyranny were ready to have swallowed them up.

Their Lordships would find him labouring to persuade the People, that the Condition of Peace and Prosperity, which the good Government of Her Majesty had secured to Her Kingdom, was a State of utter Distraction and Confusion, wherein all Religion and Disorder was not only unpunish'd but encouraged:

Nor would their Lordships wonder to find a Person, who had thus set himself to weaken the Title of Her Majesty to the Throne, representing Her Administration like that of one who had no Title at all:

And from that ruinous and almost irretrievable Posture of Affairs, their Lordships would find him considering himself as a peculiar Messenger, appointed and call'd out to open the Eyes of the deluded People, and to undeceive a Nation thus abused: Which he had done, not in the Words of Meekness and Peace, not by exhorting them to the Exercise of the submissive Doctrines of Passive Obedience and Non-Resistance,

but affound of the and ma Rights, them.

Mr. Lordships Statutes, ment, r, jects, to Course the Opp as the instrum at the fa hey wo and thei Admini Having Cause, h of the hi om.

The Tying Op o draw Their of a Po World, he Frui eclare t and unde Could tendency on it se certain fa le, in T Church o ty of th He gra repugnan als, that ood so v discourse But, if doct's S heredita ne true ( but



but assuring them he did not come to preach Peace, but to sound a Trumpet; and endeavouring to excite such true Sons of the Church as were of his Persuasion, to recover, defend, and maintain, with their Lives and Fortunes, their invaded Rights, and such Doctrines as he had thought fit to deliver to them.

Mr. *Lechmere* added, He took Liberty to acquaint their Lordships, that the Commons conceiv'd, that the Laws and Statutes of the Realm, and the Order and Peace of Government, necessarily enjoyn'd it as a Duty upon all private Subjects, to represent their Sense of the Nation's Grievances in a Course of Law and Justice, and not otherwise; and whenever the Oppressions became National and Publick, They claim'd it as the peculiar Right of their own Body, to pursue the evil Instruments of them, 'till publick Vengeance were done; and at the same time, the Commons assur'd their Lordships, that they would account their indispenfable Duty to Her Majesty, and their Country, to Assert the Justice and Wisdom of Her Administration, against the Enemies of both.

Having thus Stated to their Lordships the Nature of this Cause, he persuaded himself, they perceiv'd therein many Points of the highest Moment to the Peace and Welfare of the Kingdom.

The Tendency of the Crimes the Prisoner stood accus'd of, lying Open and Apparent? But he yet begg'd their Patience, to draw the Scene a little closer.

Their Lordships would consider the Necessary Consequence of a Position, meant and expounded so as to persuade the World, that the glorious Work of the Revolution had been the Fruit of Rebellion, and the Work of Traitors: Did it not declare the late Reign to have been one continu'd Usurpation? And under what better Circumstances did it bring the present? Could the Act of Toleration be condemn'd, with any other Tendency, than to weaken so great a Support of the Revolution it self? And he entreated their Lordships, to consider the certain fatal Effects of an universal Dissatisfaction of the People, in Things that concern'd them nearest, the Safety of the Church of England, and the Protestant Interest, and the Security of themselves and their Posterity.

He granted, That, consider'd at a distance, there seem'd a repugnancy in that Gentleman's System. How came it to pass, that absolute Non-Resistance and the Spirit of Rebellion stood so well together, and were made so suitable, in the same Discourse?

But, if their Lordships should discern, in any Part of the Doctor's Sermon, any dark Hints, or disguis'd Opinions of a *Sole hereditary Right of Succession* to the Crown, that would shew the true Consistency of the whole; and their Lordships would find,

find, that in the Doctor's Opinion, the Duty of Absolute Non-Resistance was owing to him only that had the Divine Commission to Govern ; and from thence, their Lordships could not fail of knowing against what Queen, what Government, what Establishment, he Encourag'd the taking up the Arms of Resistance.

He concluded, He had thus endeavour'd to discharge the Trust repos'd in him by the Commons, and was not unsensible how far short he had fallen ; but he assur'd himself that the Cause could not suffer by it, for its own Strength and Vigour would support it at that time, and so long, he hop'd, as the Nation endur'd.

Their Lordships plainly saw, that the Duty of the Commons, which they would always discharge, had call'd upon them very loudly, to make Inquisition on so remarkable an Offender as the Prisoner at the Bar.

And it was no less plain, they had not acquitted themselves aright, if they had intrusted the Prosecution of that great Cause in any other Hands but their own, or suffer'd those Points to have been handled in any place, but in full Parliament ; or before any other Judicature, but that of their Lordships : And it was with the greatest Cheerfulness and Security, that they submitted the Cause of the Queen, of the whole Nation, of the Protestant Religion, and Protestant Succession to the Weight and Wisdom of their Lordships Judgment.

Then *Mr. Attorney General* acquainted the Lords, That there were two Sermons deliver'd into the House of Commons, which he desir'd might be deliver'd in, and read to their Lordships, and that *Mr. Jodrell* would give an Account where he had those Books in his Hands.

Then *Mr. Jodrell was Sworn, and depos'd*, That those two Books had been delivered in at the Table of the House of Commons, by one of the Members.

*Mr. At. Gen.* Put the Question, whether they had been shown to Doctor *Sacheverell*, when he Attended the House ?

To which, *Mr. Jodrell* answer'd, They had been shown to him at the Bar of the House.

It was again ask'd by *Mr. At. Gen.* Whether the Doctor did own them to be his Books, or what he did own about them ?

And *Mr. Jodrell* reply'd, He had own'd the Sermon preach'd the Fifth of *November* to be his, and that he directed it to be Printed.

*Then that Book was delivered in.*

And *Mr. At. Gen.* said, There is another Sermon Preach'd

the Aff  
and he  
The  
Preface  
Mr.

tion of  
tion wh  
Mr.

Doctor,  
the Prin  
But S

own'd t  
before t  
Lordship  
own the

Then  
The C  
the Ded  
The D

the Proc  
Sermon  
Hands of

When  
Adjourn

On Fe  
Ser-Hall  
Berjeant

for Dr. S  
The I  
Council

The L  
Common

Then S  
Charge t

He said  
icles aga

Replicati  
hips lik

Pauls, an  
Safe was

That th  
was to

The Meth  
ortance  
the Justic  
ence or l  
ish trad

the Affizes at *Derby*, which was also shown him at the Bar; and he own'd it.

The *Lord-Chancellor* ask'd, what they could say as to the Preface of the other Sermon?

*Mr. Fodrell* answer'd, That the Doctor own'd the Dedication of it to be agreeable with the Dedication of that Impression which he order'd to be Printed.

*Mr. At. Gen.* desir'd that Dedication might be shown to the Doctor, which if he deny'd, they were ready to prove it by the Printer.

But *Sir Simon Harcourt* told the Lords, The Doctor had own'd the Sermon, and the Dedication of both the Sermons, before the House of Commons; and would not give their Lordships the trouble of hearing any Proof of them. He Did own them.

Then *Mr. At. Gen.* desir'd they might be read.

The Clerk read the Dedication of the *Derby* Sermon; and the Dedication and Sermon at *St. Pauls*.

*The Dedication of the Derby Sermon may be seen before in the Proceedings of the House of Commons; the Dedication and Sermon at St. Pauls are both here omitted, as being in the Hands of all Men already.*

When the Sermon and Dedications were read, the Lords Adjourn'd to their own House.

On *February* the 28th, the Lords being come into *Westminster-Hall*, and seated in the Manner beforemention'd, the Serjeant at Arms made Proclamation for Silence; and then for *Dr. Sacheverell* to appear.

The Doctor appearing at the Bar accordingly, with his Council, as before.

The *Lord-Chancellor* told the Gentlemen of the House of Commons, they might proceed in their Evidence.

Then *Sir Joseph Jekyll* maintain'd the first Article of the Charge to this Effect.

He said, Their Lordships had the Days before heard the Articles against *Dr. Sacheverell*, his Answer, and the Commons Replication, read; and the Charge being opened, their Lordships likewise heard the Doctor's Sermon preach'd at *St. Pauls*, and the Dedication of his *Derby* Sermon; so that the Case was then fully before them.

That the Part assign'd to him, and some other Gentlemen, was to maintain the first Article of the Commons Charge. The Method he should take would be, first, to show the Importance of that Article: Secondly, to clear up and vindicate the Justice of the Revolution: And, thirdly, to State the Evidence or Proof of the said Article, which charg'd the Doctor with traducing and condemning the Revolution.



He thought fit to premise, that the Commons could not but think it hard, that in that Assembly of the *British* Nation, they should after more than twenty Years Enjoyment of the Benefits arising by the Revolution, in that Place, and at that Time, be forced to plead in Vindication of the Justice of that Revolution: But since they must give up their Right to the Laws and Liberties of the Kingdom, or, which was all one, be precarious in the Enjoyment of them, and hold them only during pleasure, if the Doctrine of unlimited Non-Resistance prevail'd, the Commons had been content to undertake that Prosecution; and they who shar'd in the Legislature with their Lordships, had put themselves into the Condition of Suiters for Justice against that Offender, in whom their Lordships would find the Reverse of a true *British* Subject: For such an one was dutiful and submissive to his Prince, and true to the Liberty of his Country; but in that Criminal their Lordships would find virulent Faction, and slavish Submission.

As to the Importance of that Article, their Lordships were rightly told the Day before that the whole Charge center'd in that Article. If the Justice of the Revolution were establish'd, the Toleration would be rejoic'd in by some, and acquiesc'd in by all; the Resolutions of the two Houses of Parliament would have a just Regard shown to them; Her Majesty's Administration would be no longer defam'd, nor would that unhappy Distinction of Parties be capable of being heightened amongst us. But if the Justice of the Revolution, which is our Foundation, were question'd, every thing built on it would in some Degree be shaken, and Occasion given for Disputes and Factions, never to be ended but by a total Subversion of the Constitution.

That as it was self-evident that the Honour of Her Majesty's Government stood upon the Justice of the Revolution, so did the Peace and Tranquility of it depend upon that also. The Commons might appeal to their Lordships, and the whole Nation, in this Matter: From what Quarter it was that all that Opposition and Obstruction to the Administration of the late King, and Her present Majesty had come? Had it not been from those who had question'd the Lawfulness of the Resistance made use of in the Revolution? Whose Pursuit after Power was indefatigable, and to obtain which they would make a willing Sacrifice of the Common Liberty; whilst others who had a contrary Principle, and were convinc'd of the Justice of that Proceeding, had acted a quite contrary Part. Had they not contributed every thing in their Power to strengthen the Government in Her present Majesty's Hands, as well as the late King's, and that with a Zeal and Constancy

through  
inspire?  
Settleme  
contrary  
Things a  
the prefe  
ness, and  
Non-Ref  
Friends  
an unusu  
Crown?  
keeping a  
ceive any  
to preach  
which con  
That in  
tution, w  
from the l  
of the Sub  
Law had l  
ent in toc  
istance, b  
themselves  
ar from pr  
have a con  
in the Lov  
ecure, wh  
concerned  
To make  
own, tha  
Authority,  
being and  
in any oth  
way the O  
Prince and  
olid and r  
plac'd tha  
but instead  
fantastical S  
of the Law  
ed with Qu  
an had noth  
the Subm  
Authority o  
ther, from  
unishments  
might serve

through several Changes, which nothing but a Principle could inspire? How much was owing to that Zeal in promoting the Settlement of the Protestant Succession, and how little to the contrary Principle, every one that remember'd the State of Things at the End of the late King's Reign could tell. Upon the present Question therefore depended their present Happiness, and future Hopes. Had not this Principle of unlimited Non-Resistance been reviv'd by the profess'd and undisguis'd Friends of the Pretender? Had it not been prosecuted, with an unusual Warmth, since his Attempt upon Her Majesty's Crown? Could the Pretender have any Hopes, but from the keeping alive such Notions? Or could the Queen's Title receive any Advantage from them? Or could it be seasonable to preach this Doctrine in the Reign of the best of Princes, which could be of no use to any but the worst?

That in clearing up and vindicating the Justice of the Revolution, which was the second Thing propos'd, it was far from the Intent of the Commons to state the Limits and Bounds of the Subject's Submission to the Sovereign. That which the Law had been wisely silent in, the Commons desir'd to be silent in too; nor would they put any Case of a justifiable Resistance, but that of the Revolution only; and they perswaded themselves that the doing Right to that Resistance would be so far from promoting popular Licence or Confusion, that it would have a contrary Effect, and be a Means of settling Mens Minds in the Love of, and Veneration for the Laws, to rescue and secure, which had been the only Aim and Intention of those concerned in that Resistance.

To make out the Justice of the Revolution, it might be laid down, that as the Law was the only Measure of the Prince's Authority, and the Peoples Subjection, so the Law deriv'd its Being and Efficacy from common Consent. And to place it on any other Foundation than common Consent, was to take away the Obligation the Notion of common Consent, put both Prince and People under to observe the Laws: And upon this solid and rational Foundation the Lawyers in all Ages had plac'd that Obligation, as appear'd by all our Law-Books: But instead of this, of later Times, Patriarchal and other fantastical Schemes had been framed, to rest the Authority of the Law upon, and so Questions of Divinity had been blended with Questions of Law; when it was plain, that Religion had nothing to do to extend the Authority of the Prince, or the Submission of the Subject, but only to secure the Legal Authority of the one, and enforce the due Submission of the other, from the Consideration of higher Rewards and heavier punishments: And if that Distinction were attended to, it might serve to bury the useless Labours, to say no worse of

them, of several Divines, and others, on those Subjects, in utter Oblivion.

That nothing was plainer than that the People had a Right to the Laws and the Constitution. This Right the Nation had asserted and recover'd out of the Hands of those who had dispossest them of it at several Times. There were two famous Instances of it in the Knowledge of the present Age, that of the Restoration, and that of the Revolution; in both which great Events the Regal Power, and the Rights of the People were recover'd: And it was hard to say in which the People had the greatest Interest; for the Commons were sensible that there was not one Legal Power belonging to the Crown, but they had an Interest in it; and he doubted not but they would always be as careful to Support the Rights of the Crown, as their own Privileges.

That the Constitution was wholly lost before, and recover'd by the Restoration, was known to all; and before the Revolution, it was known how Popery and absolute Power had invaded the Constitution. The Regal Supremacy, of such absolute Necessity to preserve the Peace of the Kingdom, had been disclaim'd, and the papal Supremacy, by a solemn Embassy to Rome, own'd and acknowledg'd, and no Footsteps left of the Regal Supremacy but that which was worse than nought, an Illegal High-Commission Court: And at that time the Popular Rights, in almost all the Species of them, were invaded. That great Privilege of the People, on which all others depended, that of giving their Consent to the making new, or repealing old Laws, had been invaded; and a dispensing Power, such as rendred all our Laws precarious, and at the Will of the Prince, exercis'd. Those, and many more Acts of absolute Power, were mention'd in that Act of Parliament call'd *The Bill of Rights*. It would be to mispend their Lordships Time, to mention all the Instances there given: For the whole Tenor of the Administration then in being, had been agreed by all to be a total Departure from the Constitution the Nation at that time being united in that Opinion, all but the Criminal part of it. And as the Nation join'd in the Judgment of their Disease, so they had done in the Remedy. They saw no Remedy left but the last; and when that Remedy took place, the whole Frame of the Government had been restored intire and unhurt. This shew'd the excellent Temper the Nation was in at that Time, that after such Provocations from an Abuse of the Regal Power, and such a Convulsion, no one part of the Constitution had been alter'd, or suffer'd the least Damage, but on the contrary the whole receiv'd new Life and Vigour.

That as the Doctrine of unlimited Non-Resistance had been implicitly renounc'd by the whole Nation in the Revolution

to dive  
that R  
out of  
William  
Oaths  
Oaths.  
several  
Purpose  
to take  
in the  
ring the  
Notice  
subvert  
and Lib  
Male-A  
Unhapp  
Throne  
ty God  
of delive  
And if  
were sti  
Consequ  
mention  
ing the  
surely th  
when th  
Pounds  
with him  
general,  
Revoluti  
Parliamen  
that was  
meddle w  
of the La  
dom, wh  
of that P  
Suits aga  
Majesties,  
that at th  
vering th  
in Aid an  
and other  
ted as Lie  
or other C  
thoriz'd t  
several cr  
divers Ho  
Houses an



to divers Acts of Parliament afterwards had pass'd expressing that Renunciation. He begg'd Leave to read a few Passages out of the Laws that were then made: In the First of King William and Queen Mary, was the Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths. By that Act the Declaration enjoyn'd to be taken by several Acts in the Time of King Charles the Second to this Purpose, *That it is not lawful, on any Pretence whatsoever, to take up Arms against the King*, was taken away. Then in the second Session of that Parliament was the Act for declaring the Rights and Liberties of the Subject: In that Act Notice was taken that the late King James did endeavour to subvert and extirpate the Protestant Religion, and the Laws and Liberties of the Kingdom, and the particular Instances of Male-Administration were set forth; then it declar'd, that that Unhappy Princee had abdicated the Government, and the Throne was thereby vacant; and that it had pleas'd Almighty God to make the Prince of Orange the glorious Instrument of delivering the Kingdom from Popery and Arbitrary Power. And if the Instrument, who brought about that Deliverance, were stil'd Glorious, surely the Means us'd by him were in Consequence approv'd and applauded; and his late Majesty was mention'd as the same glorious Instrument in the Act for paying the States-General the Charges of his Expedition: And surely this was an Approbation of the Means us'd by him, when that Act charg'd the People with Six hundred Thouſand Pounds for those Means, viz. the Force he brought along with him. But if it should be thought these Words were too general, and did not particularly approve the Resistance at the Revolution, there had come a memorable Occasion when the Parliament had that Particular under their Consideration; and that was when they were considering whether they should meddle with so tender a thing as the taking away the Benefit of the Law from a great many of the Subjects of the Kingdom, which was done by an Act in the same Second Session of that Parliament, intitl'd, *An Act for preventing vexatious Suits against such as acted in order to the bringing in their Majesties, or for their Service*. There they took Notice, that at the time of his Majesty's glorious Enterprize for delivering this Kingdom from Popery and Arbitrary Power, and in Aid and Pursuance of the same, divers Lords, Gentlemen, and other good People well affected to their Country, had acted as Lieutenants, Deputy-Lieutenants, Justices of the Peace, or other Officers, Civil or Military, tho' not sufficiently Authoriz'd thereunto, and had Apprehended and put in Custody several criminous and suspected Persons, and seiz'd and us'd divers Horses, Arms, and other things, and enter'd into the Houses and Possessions of several Persons, and Quarter'd and

caus'd to be Quarter'd Soldiers and others there, which Proceedings in Times of Peace and common Safety would not have been warrantable ; yet that Act declar'd they were necessary in regard of the Exigence of publick Affairs, and ought to be justify'd, and provided an Indemnity for those who acted in that Resistance from the Actions that might be brought by their Fellow-Subjects.

That he should conclude this Head with taking Notice of the Form of Prayer, appointed by Royal Authority, for the Fifth of *November*, then doubly memorable ; There were in that Form not only Thanks offer'd to Almighty God for the Revolution, but for the Success given to those Means that were us'd to bring about that wonderful Deliverance ; what else was the Meaning of thanking God for giving his late Majesty a safe Arrival here, and making all Opposition fall before him 'till he became our King and Governour ?

But notwithstanding the Justice of those Steps that were taken to bring about the Revolution, notwithstanding the Temper and Prudence shewn in the Settlement of it, and the Sanction since given to it, not only by the Royal but the whole Legislative Authority, Doctor *Sacheverell* had condemn'd the Resistance, ( which was the Principal, if not the only Means ) by which that Deliverance had been wrought, which was the last Thing he propos'd to shew to their Lordships.

That this Article was divided into three Branches ; first the general Charge, *That he Suggested and Maintain'd that the Necessary Means us'd to bring about the Revolution were Odious and Unjustifiable* : The second and third Branches were Particulars of that General, ( viz. ) *That his late Majesty disclaim'd the least Imputation of Resistance, and that to impute Resistance to the Revolution, was to cast black and odious Colours upon his late Majesty and the said Revolution.*

That to maintain this Article, he would not repeat the particular Words of the Sermon, in order to the Application of them, that being a Province assigned to another Gentleman, who would speak after him, but should offer to their Lordships what he apprehended to be the clear Sense and Meaning of those Passages in the Sermon which maintain'd that Article. That in the eleventh Page of the Quarto Edition, he lay'd down a general Position of the utter Illegality of Resistance, upon any Pretence whatsoever ; he said there were some who deny'd this Position, who were new Preachers and new Politicians, who taught divers Antimonarchical and pernicious Doctrines ; he went on, and said, they did not only deny this Position, but urg'd the Revolution in Defence of their Denial ; that is, by producing that as an Instance of a justifiable Resistance ; then he exclaim'd against those Men as endeavouring

to cast I  
lution, y  
putation  
had dif  
without  
Book w  
of Resis

That  
ticle, wh  
mons ca  
volution  
Resistan  
some as  
Characte  
that Doc  
ful Resis

only to  
that as v  
Objection  
Case, a  
the Nat  
King and  
the Rev  
of the P  
the other

so far fr  
invited t  
for in hi  
wherein  
him, fut  
the Viol  
petition  
by his C

Declarat  
Subjects  
petition  
King to  
manifest  
tion to  
Revolut  
King's H  
the Thre  
several  
fore me  
rence be  
Crown  
sisted up  
Admini

to cast Black and Odious Colours on the late King and Revolution, whereas he said the King had disclaim'd the least Imputation of Resistance by his Declaration, and the Parliament had disown'd it, declaring they only fill'd a vacant Throne, without taking Notice how it became so, and had burnt a Book which alledg'd Conquest, because it had that Ingredient of Resistance in it.

That this Extract out of the Sermon made out the first Article, which was his condemning the Resistance, by the Commons call'd the Necessary Means us'd to bring about the Revolution. For first, that general Position of his condemn'd Resistance in any case whatsoever. Secondly, he introduc'd some as denying that Position, and fasten'd a vile and odious Character upon them. Thirdly, he made those that deny'd that Doctrine object to it an Authority or President of a lawful Resistance, viz. that at the Revolution; but, this he did only to give up the Lawfulness of that Resistance, and condemn that as well as any other: For, Fourthly, he answer'd this Objection, by denying there had been any Resistance in that Case, a Fact as clear as the Sun at Noon day, and which all the Nation had seen and rejoyc'd at. He brought the late King and the Parliament to witness, against any Resistance in the Revolution; and yet had shewn by two Quotations out of the Prince of *Orange's* Declaration, one in his Answer, and the other in the printed Sermon, that his late Majesty had been so far from disclaiming Resistance, that he had avow'd it, and invited the Subjects of this Kingdom to join in that Resistance; for in his Answer, he cited that Passage in his Declaration, wherein his Majesty took Notice that he carry'd a Force with him, sufficient, by the Blessing of God, to defend him, from the Violence of Evil Counsellors, and that he design'd that Expedition to oblige King *James* to call a free Parliament; and by his Quotation of another Passage in the Prince of *Orange's* Declaration, it appear'd his late Majesty had been, by divers Subjects of King *James's*, Invited to and Assisted in that Expedition, which being an Expedition by Force, to oblige that King to call a Free Parliament; had carry'd in it a plain and manifest avowing of Resistance. As to what he said in Relation to the Parliament's disowning any Resistance at the Revolution, by asserting that they set the Crown on the King's Head, on no other Title than that of the Vacancy of the Throne, that appear'd to be directly otherwise from the several Passages in divers Acts of Parliament which he had before mention'd; to which he only added that in the Conference between the two Houses, previous to the settling the Crown on the King's Head, the Word *Abdicated* had been insisted upon and carried, for that it included in it the Male-Administration of King *James*, which the Word *Deserted* (de-



fir'd to be us'd instead of it) did not ; and this appear'd by the Journal. He therefore knowing that there had been Resistance in the Revolution, and the late King and the Parliament had avow'd that Resistance, and he pretending to defend it only by denying those Facts, had by a necessary Implication asserted, That that Resistance was not an Exception to his general Rule, but stood condemn'd by it.

That he would not enter upon the Consideration of the Doctor's Answer to that Article, because he did not know whether his Council would think fit to abide by it, nor would he meddle with any Thing that was proper for the Reply.

The Sum of the whole Proof being this, That the Doctor lay'd down a Doctrine condemning Resistance in all Cases whatsoever ; he made those who deny'd this Doctrine, Asserters of Antimonarchical Principles ; he took Notice of the Revolution, only to give it up ; he admitted that if there had been Resistance in that Case, it was as unlawful as any other Resistance ; he asserted that to be true, which every one knew to be false ; he said the late King disclaim'd the least Imputation of Resistance, the Parliament disown'd it, and that they who said there was any Resistance in it, did cast Black and Odious Colours on the late King and the Revolution, and consequently he condemn'd the Resistance us'd to bring about the Revolution, which was the Matter of the first Article.

That this was what the Commons rely'd upon, to maintain and make out the first Article of their Charge against the Criminal at the Bar, and they referr'd the Consideration of it to their Lordships Wisdom and Justice.

Next *Mr. Solicitor General* acquainted the Lords, That it fell to his share, to state to their Lordships the several Passages in the Sermon preach'd at *St. Pauls*, which the Commons rely'd upon as a Proof of the first Article ; and to shew the particular Weakness and Insufficiency of the Answer given to the Charge.

The Charge was, That the Gentleman at the Bar did Suggest and Maintain, That the necessary Means us'd to bring about the late happy Revolution were Odious and Unjustifiable ; That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance ; and, That to impute Resistance to the Revolution, was to cast Black and Odious Colours upon his late Majesty and the said Revolution.

That the Passages upon which the first Article was founded, were in the eleventh and twelfth Pages of the Sermon, where Doctor *Sacheverell* having first asserted, *That the grand Security of our Government, and the very Pillar upon which it stood was founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power in all things Lawful, and the utter Illegality of Resistance upon*

any Pretence exploded a

Our have us the Revolution they are and the

to cast must the least the Parliament upon no and did monous Liberty which R

That Proof of much as about the And the King disclaim'd it as ger to ; it in his

And the Revolution late Majesty utter Ill Fundament that his Mouth, when the they were lution, upon Bo

That had him Resistance w the Rev

And stance of ral Doctor Colours ran thus the least Crown Vacancy

any Pretence whatsoever, which, He said had been lately exploded and ridicul'd, went on in these Words :

Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence ; but certainly they are the greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour to cast such black and odious Colours upon both : How often must they be told, that the King himself solemnly disclaim'd the least Imputation of Resistance, in his Declaration ; and that the Parliament declar'd that they set the Crown on his Head upon no other Title but that of the Vacancy of the Throne ; and did they not unanimously condemn to the Flames that infamous Libel that would have pleaded the Title of Conquest, by which Resistance was suppos'd ?

That the Commons apprehended those Words to be a full Proof of the Assertions charg'd in the first Article, for as much as Resistance had been the necessary Means us'd to bring about the Revolution.

And the Doctor expressly affirm'd in that Place, that the King disclaim'd the least Imputation of Resistance ; he asserted it as a Thing notorious, which no Body could be a Stranger to ; he said, the King disclaim'd it solemnly, he disclaim'd it in his Declaration.

And he as plainly affirm'd, That to impute Resistance to the Revolution, was to cast Black and Odious Colours upon his late Majesty and the Revolution ; for he first lay'd down the utter Illegality of Resistance upon any Pretence whatsoever, as a Fundamental Doctrine ; and then acquainted his Auditory, that his Adversaries thought they could effectually stop his Mouth, and had him sure and unanswerable *On this Point*, when they urg'd the Revolution in their Defence ; but that they were the greatest Enemies to the King and to the Revolution, who endeavour'd to cast such *Black and Odious Colours upon Both*.

That *this Point* which he said his Adversaries thought they had him sure and unanswerable upon, was plainly the Point of Resistance, which he had asserted to be illegal upon any Pretence whatsoever ; and others, he said had deny'd, and had urg'd the Revolution in their Defence.

And the urging of the Revolution in that case, as an Instance of the Legality of Resistance, in Opposition to his general Doctrine, was what he call'd casting Black and Odious Colours upon the King and the Revolution, for his Argument ran thus ; All Resistance is utterly Illegal, the King disclaim'd the least Imputation of Resistance, the Parliament set the Crown upon his Head upon no other Title than that of the Vacancy of the Throne, and burnt a Book because it asserted a  
Title

Title by which Resistance was suppos'd, and therefore to impute Resistance to the Revolution, is to cast *Black and Odious Colours* upon his late Majesty and Revolution.

This, Mr. *Sollicitor General* proceeded to tell their Lordships, was the Force of the Doctor's Reasoning, and the plain and obvious Sense of that part of the Paragraph, and therefore fully made out the Charge of his asserting and maintaining, that to impute Resistance to the Revolution, was to cast *Black and Odious Colours* upon his late Majesty and the said Revolution.

That he came next to consider the Answer the Doctor made to that Article, which he divides into three parts.

*And first, he deny'd that he did Suggest and Maintain, that the necessary Means us'd to bring about the happy Revolution were Odious and Unjustifiable; and said, That he did not affirm in any part of that Sermon any thing concerning the necessary Means us'd to bring about the happy Revolution; the said Henry Sacheverell being so far from Reflecting on his late Majesty or the happy Revolution, that he endeavour'd in that Sermon to clear the Revolution, and his late Majesty, from the Black and Odious Colours which their greatest Enemies had cast upon Both.*

*The material Part of the Answer to that Branch of the Article was, That he deny'd his maintaining that the necessary Means us'd to bring about the Revolution were Odious and Unjustifiable, and his affirming any thing concerning those necessary Means. But that this was no more than saying that he had affirm'd nothing by the Words Necessary Means: And 'twas very true that the Words Necessary Means were not us'd in any part of the Sermon: But no Body would say that 'twas requisite to Charge the Assertion in the very Words.*

*And therefore if Resistance had been necessary, and the Means us'd, in that extraordinary Case of the Revolution, he had asserted the Means to be Odious and Unjustifiable, tho' he had done it in other Terms, and by Words more particular and express.*

*And as to that Part of the Article whereby he was charg'd with Suggesting and Maintaining, That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance:*

*He acknowledged himself to have made that Suggestion; but said, he made it not in Dishonour, but in Vindication of his Majesty; the Resistance he represented the King to have Disclaim'd, being such a Resistance as tended to the Conquest of this Realm; for which he refer'd to that part of the Declaration, Printed at the bottom of the eleventh Page in the Sermon; and upon that Ground he observ'd, that there these other Passages in the Declaration — We have thought fit to go over to England, and to carry over with us a Force sufficient, by the Blessing*

*Ang of C  
cellors.—  
intended  
Parliam*

*That  
ted he  
Words  
that th  
only, th  
Conque*

*When  
such lin  
would t  
the Prop  
putation  
his Mea  
ing upo  
general  
Pretence  
Revolut  
that the  
King, w  
Imputat*

*The C  
ther Re*

*And  
were al  
should f  
Objectio*

*That  
fore de  
and said  
claim'd*

*For h  
all Imp  
would*

*was any  
the Kin*

*were ag  
tainly h  
suppos'd  
Words*

*have di  
But h*

*That H  
Majesty  
pressing  
tion of*



King of God, to defend our selves from the Violence of evil Counsellors.—We think fit to declare, that this our Expedition is intended for no other Design than to have a free and lawful Parliament Assembled.

That in that part of his Answer Doctor Sacheverell admitted he made the Suggestion charg'd upon him, in the same Words us'd in the Article; but defended himself by alledging, that the Commons had mistaken his Meaning — He meant only, that the King Disclaim'd a Resistance which tended to Conquest.

Whereas it was clear and plain, that the Words had no such limited or restrain'd Sense, and that the Meaning he would then put upon them was a meer Shift and Evasion; for the Proposition was General, The King Disclaim'd the least Imputation of Resistance: And the use he made of it shew'd that his Meaning was General as his Words; for he was Replying upon those who urg'd the Revolution in Answer to his general Position, That Resistance is utterly illegal upon any Pretence whatsoever; and how did he answer the Case of the Revolution, or was it possible to be answer'd, but by saying, that there was no Resistance at all in the Revolution; the King, who was principally concern'd in it, disclaiming the least Imputation of Resistance?

The Question was stated upon Resistance in general; whether Resistance in any Case, or upon any Occasion, were lawful.

And therefore, if the Lawfulness of Resistance in any Case were allow'd, 'twas impossible that his general Assertion should stand; and 'twas equally impossible to get clear of the Objection, without denying the Resistance.

That Doctor Sacheverell had been aware of that, and therefore deny'd there was any Resistance at all in the Revolution, and said, That the least Imputation of it was solemnly disclaim'd and disavow'd.

For had he said, in exprefs Terms, that the King disclaim'd all Imputation of Resistance that tended to Conquest, that would have been no Answer to the Objection: For if there was any Resistance, tho' not the particular Resistance which the King disclaim'd; and if that Resistance which was us'd were agreed to be lawful, his fundamental Doctrine must certainly have been shaken: And therefore, if their Lordships suppos'd him to make any use at all of that Assertion, his Words plainly spcke his Meaning, and represented the King to have disclaim'd all Resistance whatsoever.

But he excus'd the making that Suggestion, by declaring, *That He made it not in Dishonour but in Vindication of His Majesty; and therefore whether he was mistaken or not in expressing himself, as if the late King had disclaim'd all Imputation of Resistance, when he meant thereby, that the late King*  
disclaim'd

*disclaim'd the Imputation of a Design of Conquest, he humbly conceiv'd such a Suggestion, plainly design'd for the Honour of the late King, could not in any reasonable Construction be thought a Reflection upon his said late Majesty, or deem'd any high Crime or Misdemeanor.*

That, Had those Words been spoken in Vindication of his late Majesty, the Commons, who had so much at Heart the Honour of the late King, and the Justice of the Revolution, had never charg'd them upon that Gentleman as a Crime.

But they carry'd with them the highest Reflection upon the Honour and Justice of his Majesty; as supposing that he deny'd the Lawfulness of Resistance when he was actually engag'd in it, and disclaim'd the least Imputation of Resistance when he brought over an Army on purpose to maintain that Resistance, to which all the People of *England* were invited and encourag'd by his Declaration.

And that Assertion, of the King's disclaiming all Resistance, could never have been meant in Vindication of his Majesty from any Imputation of a Design of Conquest; there being no Occasion for vindicating the King upon that Point, the Subject Matter of the Discourse not leading him to it; for the Business of the Sermon, or of that particular Paragraph, was not to vindicate the Honour of the King from any such Aspersions, or to maintain the Liberties of *England*, by asserting, that the Constitution of Government still remain'd, and was not broken and dissolved by Conquest at the Revolution: For had that been his Ground, his Mistake had been more excusable; because then it had been proper to have urg'd that there was no Step taken towards the Revolution, which look'd like a Design of Conquest; and that the arm'd Force us'd in it, and which had the Appearance of such a Design, was not intended to conquer; for the King, who commanded it, disclaim'd all Imputation of Resistance that tended to Conquest. Upon such a Question those things had been very properly urg'd, and there might have been some Indulgence to a general Expression, that in any Propriety of Speech could have receiv'd such a Meaning.

But when the Question was not, Whether the Revolution was brought about by Conquest, or what would be the Consequence of such an Assertion, either in regard to the Honour of the King, or the Condition of the People, there could be no Colour for saying that he meant by that general Expression, carrying no such Meaning in it self that the King disclaim'd Conquest, or a Resistance which tended to Conquest only.

Especially, when the Subject Matter of his Discourse naturally led him to assert that Proposition in the common and ordinary Sense which the Words imported: For he was asserting Doctrine of absolute Non-Resistance, and shewing, that the Lawfulness of the Revolution was no Argument against it;

and wh  
Resistan  
in it;  
it could  
any Def  
dication

Beside  
late Kin  
that Imp  
rity of  
enslave,  
dreadful  
blish our  
the Gro  
general  
Course o

It was  
cheverel  
ting to  
rather m  
jesty; th  
Vindicat

And t  
gion wa  
which w  
People (  
brought  
lence of  
design'd  
was a pl  
by those  
Corporat  
never in  
be assem

This v  
verell to  
was no  
Imputati

As to  
that he  
the Revo  
Majesty  
maintain

But th  
fer'd to  
his asser  
Revoluti  
were utt

and why? Because the King disclaim'd the least Imputation of Resistance, there was no such wicked Ingredient as Resistance in it; no other Answer would have serv'd him, and therefore it could never be supposed that he meant to clear the King from any Design of Conquest, or intended to say any thing in Vindication of his Majesty upon that Head.

Besides, It was an apparent Scandal upon the Memory of the late King, to say there was any Occasion to clear him from that Imputation; his Actions speaking the Justice and Sincerity of his Intentions; his Business being not to conquer and enslave, but to deliver us from Popery and Slavery, the most dreadful Calamities that could befall us, and to settle and establish our Constitution both in Church and State. This being the Ground of the Glorious Enterprize he undertook, and the general Aim and Design of all his Labours thro' the whole Course of his Reign.

It was therefore plain, in his Opinion, that what Doctor Sacheverell said in his Answer, in Excuse of his Assertion, relating to the King's disclaiming all Imputation of Resistance, was rather made to the Dishonour, than in Vindication of his Majesty; there being no Colour to suggest that he needed any such Vindication or Defence.

And that the King did not disclaim all Imputation of Religion was evident, even from that part of his Declaration which was cited in the Answer, whereby *He declared to the People (to encourage them to join with him) that he had brought over a sufficient Force to defend himself from the Violence of evil Counsellors. — And that his Expedition was design'd to have a free and lawful Parliament assembled, which was a plain Force upon the Executive Power that was directed by those evil Counsellors, who by subverting the Liberties of Corporations, and practising upon the Freedom of Elections, never intended that any such free or lawful Parliament should be assembled.*

This was plain Resistance in the Sense that Doctor Sacheverell took the Word, and so far from a Justification, that there was no Colour to say, that his Majesty disclaim'd the least Imputation of Resistance.

As to the last Branch of the Article, whereby he was charg'd that he suggested and maintain'd, *That to impute Resistance to the Revolution, was to cast black and odious Colours upon his Majesty and the said Revolution, he deny'd that he suggested or maintain'd any such Position.*

But this Negative was fully answer'd by what had been offer'd to their Lordships upon the first Head of that Article, his asserting that the necessary Means us'd to bring about the Revolution were odious and unjustifiable; for if Resistance were utterly illegal upon any Pretence whatsoever, and there had



had been Resistance in the Revolution, it necessarily follow'd, that to impute Resistance to the Revolution was to cast black and odious Colours upon it: And this was expressly asserted by his stating the Case of the Revolution, in which there had been Resistance, as an Objection to his general Doctrine of Non-Resistance upon any Pretence whatsoever; and then answering this Objection, by saying, That the urging of the Revolution, as an Instance of the Legality of Resistance, was casting black and odious Colours upon his late Majesty and the late Revolution: For no black or odious Colours could have been cast but from the shaking that fundamental Doctrine of Absolute Non-Resistance, the Belief of which he asserted to be the Pillar upon which the Government of England stood.

And therefore the imputing of Resistance to the Revolution must, according to the Principle by him lay'd down, have cast black and odious Colours upon the Revolution, and upon the great and glorious Instrument of it, his late Majesty by whom it has been happily brought about.

And Doctor Sacheverell himself, by the subsequent part of his Answer; seem'd to think that this Assertion was fairly and plainly inferr'd from the Tenor of his Discourse.

For he was pleas'd to excuse it, by saying, *That he intended to apply it not to such Persons as imputed Resistance to the Revolution, of whom he affirm'd nothing; But to those new Preachers, and new Politicians, who taught in Contradiction both to the Gospel and the Laws, that the People had the Power invested in them, the Fountain and Original of it, to cancel their Allegiance at their Pleasure, and call their Sovereign to account for High-Treason against his Subjects, and who urg'd the Revolution in Defence of such Principles; and that, unless those who imputed Resistance to the Revolution, were the same with those new Preachers and new Politicians, he affirm'd nothing concerning them.*

But, this part of his Answer was far from excusing or extenuating his Crime; for if a Proposition were true, it would lose nothing of its Weight and Force, tho' the vilest Man upon Earth should make use of it; and it could be no Argument against a true Principle, that it had been made use of to ill Purposes, and to maintain Positions which were not warranted by it: It was farther an Aggravation of his Crime, and a high Reflection upon the Commons, and the Justice of their Proceeding, to suppose that any such wicked Consequence as he mention'd could possibly be inferr'd from defending the Resistance at the Revolution: And the Question was, whether Doctor Sacheverell himself asserted, that to impute Resistance to the Revolution was to cast black and odious Colours upon it; and not, *of whom* he affirm'd the casting such black and odious Colours.

Mr.

Mr:  
Doctor  
the stri  
he did  
for the  
cle, but  
to the S  
he conce  
which l  
lies. —

greeable  
and div

To w  
must be  
him wit  
at the R  
ctrine o  
whatsoe  
was just  
us'd in  
tain'd.

And t  
ungratef  
Honour  
upon his  
Resistan  
ble and ]

They  
in a hap  
People, a  
in the fu  
Majesty's  
Administ

have been  
Means w  
contin'd  
iverance  
we enjoy  
State, an  
which ha  
the Natio  
ect, yet t  
Revolutio  
s'd as a l  
een built  
lishment  
Duty to d  
ant Subje

Mr. Solicitor General went on to the last part of the Doctor's Answer to that Article, where he said, *That upon the strictest Search into his said Sermon preach'd at St. Pauls, he did not find that he had given the least colourable Pretence for the Accusation exhibited against him in the said first Article, but barely by his asserting the utter Illegality of Resistance to the Supreme Power upon any Pretence whatsoever; for which he conceiv'd he had the Authority of the Church of England, which had taught and inculcated that Doctrine in her Homilies.* — And he did farther insist, *That his Assertion was agreeable to and warranted by the Common-Law of England, and divers Acts of Parliament still remaining in full Force.*

To which the said Mr. Solicitor General reply'd, *That it must be agreed there was no colourable Pretence to Charge him with Suggesting and Maintaining that the Resistance us'd at the Revolution was Odious and Unjustifiable, if the Doctrine of the utter Illegality of Resistance upon any Pretence whatsoever were true; for upon that Principle his Censure was just, and it would necessarily follow, that the Resistance us'd in bringing about the Revolution was not to be maintain'd.*

And therefore the Commons should have thought themselves ungrateful for the Deliverance, if they had not vindicated the Honour of the late King, and of those Illustrious Persons, who upon his Invitation defended the Constitution at that Time by Resistance, and declar'd that Resistance was Lawful, Honourable and Just.

They had Reason to hope, that after so many Years pass'd in a happy Enjoyment of all the Advantages of a Free-born People, and at a Time when the Subjects of this Kingdom were in the full Possession of their Rights and Liberties under Her Majesty's Gracious Protection, and the wisest and happiest Administration that *England* ever saw, that no Body could have been so wicked as to cast an Odium upon the necessary Means whereby those Blessings had been obtain'd, and were continu'd to us: But since, notwithstanding our blessed Deliverance from Popery and Arbitrary Power, and the Benefits we enjoy'd by restoring the Constitution both in Church and State, and above all, by Her Majesty's happy Administration, which had improv'd the Lustre of the Crown to the Honour of the Nation, and the common Benefit of every particular Subject, yet there were Men of turbulent Spirits, Enemies to the Revolution, who were continually urging the Resistance then us'd as a Fundamental Error, fatal to every Thing that had been built upon it; this struck so directly at the present Establishment, that the Commons thought it their indispensable Duty to demand their Lordships Judgment upon that important Subject.

And

Mr.

And they thought it the more necessary at that Time, because it was plain and obvious to every ones Observation, that since the late Attempt made by the Pretender, that Principle of the utter Illegality of Resistance upon any Pretence whatsoever had been espous'd and maintain'd with more than ordinary Warmth and Zeal; and the Commons apprehended it could have no other Aim or Tendency than to blacken the Revolution, and thereby to shake the Foundations of the present happy Settlement.

He therefore desir'd their Lordships would, in their great Wisdom, consider the Consequences of that Assertion, in regard to Her Majesty, the Protestant Succession, and the future Happiness of the Kingdom.

He told them, the Commons must always resent, with the utmost Detestation and Abhorrence, every Position that might shake the Authority of that Act of Parliament, whereby the Crown was settled upon Her Majesty, and whereby the Lords Spiritual and Temporal, and Commons, did in the Name of all the People of *England*, most Humbly and Faithfully submit themselves, their Heirs and Posterities, to Her Majesty, which that general Principle of Absolute Non-Resistance must certainly shake.

For if the Resistance at the Revolution had been illegal, the Revolution settled in Usurpation, and that Act could have no greater Force and Authority than an Act pass'd under a Usurper.

And the Commons took leave to observe, that the Authority of that Parliamentary Settlement was a Matter of the greatest Consequence to maintain, in a Case where the Hereditary Right to the Crown was contested; for Her Majesty's most bitter and implacable Enemies, the Friends of the Pretender, (who all asserted the utter Illegality of the Resistance us'd at the Revolution) could advance his Title to the Crown, and call him King, upon no other Ground than the Pretence of an Hereditary Right.

The Commons therefore, out of the most profound Duty and Allegiance they ow'd and should ever pay to Her Majesty, and to maintain the Security of Her Government, and guard Her Throne against every Insinuation that might promote or favour the Interest of the Pretender, thought themselves oblig'd to take Notice of that Assertion, as tending to weaken the Authority of that Act of Parliament, whereby Her Majesty's Title was declar'd.

He desir'd their Lordships would likewise consider of what Consequence the Dishonouring of the Revolution might be to Posterity, and the future Happiness of the Kingdom in a Protestant Succession to the Crown. For by the same Act all Persons who should hold Communion with the See of Rome

or should  
Possess  
Crown  
and be  
have In  
Princes

And  
House of  
likewise

That  
sent and  
Majesty  
tours wh

But th  
Assertion  
divers A

That  
far that  
of Parlia  
never be  
Despotic  
Subversio

design'd  
This  
imaginat  
the wise

narchy,  
Cause of

And i  
Act decl  
settling  
Revoluti  
tion of C  
Case tha  
provided

And t  
to the ge  
lies.

This v  
tenance  
he had b  
supply'd  
maintain

Sir Jo  
their Lo  
greatest  
Lordship



or should marry *Papists*, were declar'd incapable to Inherit, Possess or Enjoy the Crown. And it was Enacted, that the Crown and Government should from time to time descend to, and be enjoy'd by, such Persons being *Protestants*, as should have Inherited and Enjoy'd the same, in case such Popish Princes had been naturally Dead.

And the immediate Protestant Succession in the Illustrious House of *Hannover*, in default of Issue of Her Majesty, was likewise settled by an Act of the same Reign.

That this shew'd of what Importance it was, to the present and future Happiness of this Kingdom, to clear his late Majesty and the Revolution from those Black and Odious Colours which that Gentleman had cast upon Both.

But that the Doctor made it part of his Defence, that his Assertion was agreeable to the Common Law of *England*, and divers Acts of Parliament still remaining in Force.

That the Gentleman who spoke before him, had shown how far that Assertion was a direct Contradiction to several Acts of Parliament, and therefore he would only say, that it could never be suppos'd that the Laws had been made to set up a Despotick Power to destroy themselves, and to warrant the Subversion of a Constitution of Government, which they were Resign'd to Establish and Defend.

This would have been a strange, absurd and contradictory Imagination, and had been thought so at the Revolution by the wisest Men of that Time, by the best Friends to the Monarchy, and Men the most Eminent for their Sufferings in the Cause of the Church.

And it appear'd, by the several Instances mention'd in the Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown, that at the Time of the Revolution there had been a total Subversion of the Constitution of Government both in Church and State, which was a Case that the Laws of *England* could never have suppos'd, provided for, or had in view.

And the same Answer might with equal Reason be apply'd to the general Doctrine of the Church express'd in her Homilies.

This was what he had to offer to their Lordships in Maintenance of the first Article; being sensible how defective he had been, but what he had fail'd in, would be abundantly supply'd by the Gentlemen who were appointed to assist in maintaining that Article.

Sir *John Holland*, the next of the Managers, represented to their Lordships, That the present Consideration was of the greatest Importance; no less, than whether so many of their Lordships and the Commons of *Great Britain*, who had taken

up Arms at the Revolution, and been then thought Patriots of their Country, were really Rebels; whether their late Deliverer was an Usurper; and whether the Protestant Succession was Legal and Valid.

All these Considerations (he said) depended upon the Lawfulness of the Resistance at the Revolution; and that there had been a Resistance was most plain, if taking up Arms in *Yorkshire, Nottinghamshire, Cheshire*, and almost all the Counties of *England*; if the Desertion of a Prince's own Troops to an Invading Prince, and turning their Arms against their Sovereign, were Resistance. But if Subjects were oblig'd to an *Absolute and Unconditional Obedience*, the Convention of the States, the Settlement and Entail of the Crown by them, and the further Settlement in the Protestant Succession under that Settlement, must, from that Resistance, be unlawful and void.

That the Criminal had been aware of that just Objection to his general Doctrine, when apply'd to the Revolution; as appear'd from his Endeavouring, upon second Thoughts, to conceal it by his Marginal Note, to hint, that by *Resistance* he had meant *Conquest*. And no wonder he had endeavour'd to colour so bold a Stroke, which he could not but expect to hear of, with the utmost Repentment from the Government.

But it so fell out, that what he trusted to for a Screen, aggravated the Heinousness of his Crime; for it show'd, that he instill'd into his Auditors those Notions from the Pulpit which he durst not own in Print; for nothing could be more manifest, than that he could not by *Resistance* have thought *Conquest*, even from his own Expressions: For in the very next Period he said, and *did they not*, i. e. the Parliament, *unanimously condemn to the Flames (as it justly deserv'd) that infamous Libel, that would have pleaded the Title of Conquest, by which Resistance was suppos'd?* So that he knew 'em to be distinct Notions, and indeed so they must be, because one might be without the other.

That it had been an unaccountable Presumption in the Doctor, to suppose so weak a Pretence could pass upon the World; but much more surprizing it was, that he could apprehend so mean a Subterfuge could prevent their Lordships Justice. But from thence the Commons observ'd, that he was a conceal'd Man, and of a dangerous Spirit: And as such they had brought him hitherto to Reform him, and to be made an Example to others.

That the Commons would not be understood, as if they were Pleading for a licentious Resistance; as if Subjects were left to their good Will and Pleasure, when they were to Obey, and when to Resist. No, they knew they were oblig'd by all the Ties of Social Creatures, and Christians, for Wrath and

Con-

Conscience sake, to submit to their Sovereign. The Commons did not Abet humourfome factious Arms, they averr'd them to be Rebellions. But yet they maintain'd that the Resistance at the Revolution, which was so Necessary, had been Lawful and Just from that Necessity.

They did agree that the Laws concerning Obedience, both Human and Divine, were very exprefs and positive; and no wonder that *the Homilies and Fathers dead and living*, follow'd the same way of expressing their Duty in general Terms. They readily granted that, but it did not follow that there could be no Exceptions from those general Rules in Conscience.

That there was no Law more positive and exprefs than that which enjoins the Observation of the Sabbath, wherein we are commanded to *do no Manner of Work*; Yet all Men knew, that Necessity made an allow'd Exception to that general Law, And the Reason why that Necessity was allow'd as a just Exception to that positive Law, would guide us to know, what Laws would admit of Exceptions from Necessity, and what not. The Reason our Divine Lawgiver assign'd, being, because *the Sabbath was made for Man, and not Man for the Sabbath*; from whence plainly follow'd this Corollary: That where there was a positive Law, and that Law respected not some principal End for which Man was Made, their Necessity might make a justifiable Exception, how Exprefs soever that Law might be.

That whether Government was made for Man, or Man for Government, would easily appear from that short Observation, that Man had been made in a State of Perfection; and the Rectitude of that State suppos'd the Absence of all those Crimes, which were the Objects of Government, and which Government was to Reform. And therefore Government could not have been one End of Man's Creation, and those general Rules of Obedience might upon a real Necessity, have admitted a lawful Exception; and such a necessary Exception they asserted the Revolution to be.

That it was with this View of Necessity, only absolute Necessity of preserving their Laws, Liberties and Religion; was with this Limitation that they desir'd to be understood, when any of them spoke of Resistance in general. The Necessity of the Resistance at the Revolution had been at that time Obvious to every Man. Every one, who either was not, or did not find his easie Mind, prepar'd to be a Tool to Oppery or Slavery, had dreaded the Instances of that Necessity. The Cancelling all the Security from Laws by a dispensing Power; the erecting Commissions to deprive Subjects of their Property, not according to Law, but Humour; the making the whole Government depend upon the arbitrary Pleasure of



he then Prince, could not but be a Justification of that Necessity before God and Man.

That so it was thought, at the time that Resistance was on Foot. For then, when the Time was most proper for Admonitions of that Nature, the Clergy had been so far from averring the *Unlawfulness of Resistance upon any Pretence whatsoever*, that the *true distinguishing Characteristick of a Church of England Man* had then been, wishing that Resistance Good Luck, and rejoicing at its Success. And yet the Gentleman at the Bar made that Exception, the Instance of an unjust Resistance, by an ironical Assertion of *the late King's solemnly disclaiming the least Imputation of Resistance in his Declaration*; for Ironical it must be, when every Body must believe that he himself knew the Contrary: A Figure of Speech very well understood, and known to be the most biting Sarcasm.

To conclude, That so much depended upon the Revolution, that the Commons were highly Jealous of the Honour of it. That it was indeed Twenty Years since the Revolution had been settled, but it was within much less than Twenty Years that a Pretender had attempted to Invade their Country, to set that Revolution aside. That Person, even with his Own good Opinion of his Right, knowing, he could have no Pretence to the Crown, unless the Prisoner's political Divinity were true, which they averr'd it was Not. But lest that Pretender should apprehend that His Friends were much increas'd, when he heard that the Revolution was publicly Branded in Sermons as *Black and Odious*; the Commons had Impeach'd that Preacher, that he might not be Guilty of That High Crime and Misdemeanor *without Discouragement*, and had brought him to their Lordships Bar for Justice, that he might not do it *with Impunity*.

After Sir John Holland, Mr. Walpole, another of the Managers, deliver'd himself to this Effect:

That the Commons were making good their Charge against Doctor Henry Sacheverell contain'd in the first Article, wherein he was accus'd for Suggesting and Maintaining, that the necessary Means us'd to bring about the happy Revolution were Odious and Unjustifiable, and that to impute Resistance to the Revolution, was to cast *Black and Odious Colours* upon his late Majesty and the Revolution.

That by what had been already offer'd to their Lordships, he made no doubt but they were fully convinc'd, how Injurious those Positions must be to the Peace and Quiet of the Kingdom, and how highly they deserv'd, and loudly call'd for their Lordships speedy and exemplary Justice.

That the great Licentiousness of the Press, in censuring and reflecting upon all Parts of the Government, had of late

given t  
commo  
merce  
Party v  
leave t  
dinary  
Trumpe  
Cudgels  
was cal  
bitter a  
Name o  
and Cor  
when in  
tious an  
ertainm  
but thin  
for the  
self, in  
and the  
thought  
Doctrin  
in the  
Means u  
consequ  
Successio  
no Effect  
The C  
ment an  
would m  
ly and fi  
vernment  
render'd  
were not  
greatest  
That l  
attended  
Subject a  
king in I  
us'd at th  
and misre  
But tha  
which alo  
and main  
Constitut  
and unlin  
assert it,  
the Gover  
al Streng

given too just Cause of Offence ; but when only Pamphlets and common Libels were Matters of Complaint, when none but mercenary Scribblers, and the hackney Pens of a discontented Party were employ'd in venting their Malice, it was fit to leave them to the common Course of the Law, and to the ordinary Proceedings of the Courts below. But when the Trumpet was sounded in *Sion*, when the Pulpit took up the Cudgels, when the Cause of the Enemies of the Government was call'd the Cause of God, and of the Church, when that bitter and poisonous Pill was gilded over with the specious Name of Loyalty, and the People were taught for their Souls and Consciences sake to swallow those pernicious Doctrines, when instead of sound Religion, Divinity and Morality, Faction and Seditious Discourses were become the constant Entertainments of some Congregations ; the Commons could not but think it high time to put a Stop to that growing Evil, and for the Authority of a Parliament to interpose, and exert it self, in Defence of the Revolution, the present Government, and the Protestant Succession. All which the Commons thought so materially concern'd in that Question, that if the Doctrines, advanc'd by Doctor *Sacheverell*, were not Criminal in the highest degree, it would follow, that the Necessary Means us'd to bring about the Revolution had been Illegal, and consequently, that the present Establishment, and Protestant Succession, founded upon that Revolution, were Void and of no Effect.

The Commons could not but apprehend that the just Resentment and Indignation they had shewn upon that Occasion, would meet with the general Applause of all that were heartily and sincerely well affected to Her Majesty, and Her Government ; but for all those, whose Principles and Practices render'd them most justly suspected to have other Views, they were not at all surpriz'd to find them alarm'd, and under the greatest Concern, at that Tryal.

That he was very sensible of the Difficulty and Nicety that attended the speaking to that Point, and that whilst a Loyal Subject and Faithful Servant of the best of Queens, was speaking in Defence of the Necessary and Commendable Resistance us'd at the Revolution, his Arguments might be misconstru'd, and misrepresented, as maintaining Antimonarchical Schemes.

But that to plead for Resistance, that Resistance he meant, which alone could be concern'd in that Debate, was to assert and maintain the very Being of the present Government and Constitution ; and to assert Non-Resistance in that boundless and unlimited Sense in which Doctor *Sacheverell* presum'd to assert it, was to Sap and Undermine the very Foundations of the Government, to remove the natural Basis and Fundamental Strength of the Constitution, and to leave it underfet with

imaginary Props and Buttresses, which did, at best, but ill support a shaken Foundation: And it was a most surprising Assurance in the Enemies of the Government, that whilst they were striking at the Root, and digging up the Foundations, upon which the present and future Settlement was built, they should hope to pass upon the World as Friends to either; but so irreconcilable were the Professions and Practices of some Men, so awkwardly did they speak well of what they did not in their Hearts approve, that in Vindication of his late Majesty (for that was a Part that sometimes they thought useful to Act) they declar'd his most glorious Enterprize, to save a sinking Nation, utterly Illegal: To recommend themselves to the Queen, they condemn'd that Revolution, without which She never had been Queen, and the Subjects a most unhappy People: To testify their Zeal and Affection for the Protestant Succession, they invalidated all the Laws that had been made for securing that Blessing to Posterity; And lastly, To manifest their Aversion, and for ever to blast all the Hopes of the Pretender, they advanc'd and maintain'd the Hereditary Right, as the only true Right, to the Crown. But what Interest those Opinions might at one time or other be produc'd to support, and in favour of whose Pretensions those Insinuations were easily understood to be, and in favour of what Settlement they could hardly be constru'd, he submitted to their Lordships Consideration.

That, *The utter Illegality of Resistance, upon any Pretence whatsoever*, was the General Position laid down in the Sermon which, if it were strictly, and in the most extensive manner true, The assuming and exercising a Power of dispensing with, and suspending the Laws, The Commitment and Prosecution of the Bishops, The Erecting a Court of Commissioners for Ecclesiastical Causes, The levying Money by Pretence of Prerogative, The raising and keeping a standing Army without Consent of Parliament, The Violating the Freedom of Elections of Members to serve in Parliament, and all the Grievances enumerated in the Bill of Rights had been all meer Pretences, and not sufficient to warrant and justify what was then done, in Defence of the true, ancient, and indubitable Rights and Liberties of the People of this Kingdom, which were now again Enacted, Ratify'd and Confirm'd, and enjoyn'd to be firmly and strictly holden and observ'd: By what Evasions, or Distinctions, the Doctor would explain himself off upon that Head, he could not easily foresee, unless he would be so ingenuous as to confess, what there was too much Reason to believe would be his Opinion, if ever a proper Time should serve for declaring, That the Acts of Parliament made upon, and since the Revolution, were only the Effects of a happy Usurpation, and no part of the true Law of the Land.

That

That  
ed, by  
it was  
in any  
never t  
could f  
utter S  
whole  
wife be  
stand, i  
fence.  
of Folly  
Discont  
Interest  
low fro  
gage a  
whole?  
expressi  
Resistan  
therefor  
Laws th  
he hop'  
convinc  
headed,  
don hin  
for onc  
Hopes o  
less Ind  
trines d  
verner  
of the P  
of the p  
That  
dience,  
Power,  
ment th  
of it; W  
then un  
the Law  
Crown,  
trine co  
jesty, w  
Purpos  
but to u  
had bee  
those M  
People  
impos'd



That Resistance was no where enacted to be Legal, but subjected, by all the Laws still in being, to the greatest Penalties; that it was not, could not, nor ought ever to be describ'd, or affirm'd in any positive Law, to be excusable: When, and upon what never to be expected Occasions, it might be exercis'd, no Man could foresee; and ought never to be thought of, but when an utter Subversion of the Laws of the Realm threaten'd the whole Frame of a Constitution, and no Redress could otherwise be hop'd for: It therefore did, and ought for ever to stand, in the Eye and Letter of the Law, as the highest Offence. But because any Man or Party of Men, might not out of Folly or Wantonness commit Treason, or make their own Discontents, ill Principles, or disguis'd Affections to another Interest, a Pretence to resist the Supreme Power, would it follow from thence, that the utmost Necessity ought not to engage a Nation in it's own Defence, for the Preservation of the whole? Or on the other side, Because the greatest and most inexpressible Emergencies did sufficiently justify and warrant the Resistance of the Revolution, would it be a Consequence, that therefore, upon every slight Pretext or common Occasion, the Laws that fence against Treason would be of no Effect? No, he hop'd their Lordships just Judgment in that Case would convince the World, that every *Seditious, Discontented, Hot-headed, Ungifted, Unedifying Preacher* (the Doctor would pardon him for borrowing one String of Epithets from him, and for once using a little of his own Language) who had no Hopes of distinguishing himself in the World, but by a matchless Indiscretion, might not advance, with Impunity, Doctrines destructive of the Peace and Quiet of Her Majesty's Government, and the Protestant Succession, and prepare the Minds of the People for an Alteration, by giving them ill Impressions of the present Establishment and its Administration.

That the Doctrine of unlimited, unconditional Passive Obedience, was first invented to support Arbitrary and Despotick Power, and was never promoted or countenanc'd by any Government that had not Designs some time or other of making Use of it; What then could be the Design of preaching that Doctrine then unmask'd, unsought for, in Her Majesty's Reign, where the Law was the only Rule and Measure of the Power of the Crown, and of the Obedience of the People? If then that Doctrine could neither be an Advantage or Security to Her Majesty, who neither wanted, nor desir'd it, to what End and Purpose must every Man conclude it was then set on Foot, but to unhinge the present Government, by setting aside all that had been done in Opposition to that Doctrine; and when, by those Means, the Way was made clear to Another's Title, the People were ready instructed to submit to whatever should be impos'd upon them.

*Mr. Walpole* added it might be expected, after he had said thus much in general, that he shou'd proceed to shew in what Parts of the Sermon those Aspersions were contain'd: But that Part had been so fully and distinctly spoke to, by those Learned Gentlemen who were more proper, and a great deal more able, to manage that Province, that he would not mispend their Lordships Time, by repeating what had been already so fully and justly made out; but so much he would venture to say, That if the Rubbage were remov'd, with which the Doctor had an excellent Talent at puzzling Common Sense and the several Sentences, that could only be Relative to one another, were brought together, it was impossible for the Art of Man to make any Inferences or Constructions, so close and strong, as the plain and genuine Sense of the whole Scope of his Sermon, must at first View suggest to every Man's Understanding. And all that the Doctor alledged in his Defence was, That in the Revolution there had been no Resistance at all, and the King utterly disclaim'd any such Imputation. But surely, it could not be then necessary to prove Resistance in the Revolution, he should as well expect that their Lordships would desire him for Form's sake, to prove the Sun shin'd at Noon-Day; If then, there had been most undoubtedly Resistance us'd to bring about the Revolution, it would follow that all the Censures so freely bestow'd upon Resistance in general, must attend and would be imputed to the Revolution: And if *Resistance were utterly Illegal, upon any Pretence whatsoever*; If it was a *Sin*, which unrepented of, by the Doctrine of the Church of *England*, carried *sure and certain Damnation*; If, upon *Repentance*, there was no *Remission of Sins* without a steadfast Purpose to amend the Evil done, and to make all possible *Restitution*, or at least to do our utmost Endeavours for that Purpose; He begg'd their Lordships to consider what a Duty was here press'd, upon the Peril of Damnation, upon every Man's Conscience, that knew, or believ'd that there had been Resistance in the Revolution, and was conscious to himself, of being any ways assisting, or even consenting, to that *Damnable Sin*; and what must be the Consequence, if those Doctrines, without any Reserve or Exception, were with Impunity preach'd throughout the Kingdom. All which, he hop'd was sufficient to satisfy their Lordships, that Doctor *Sacheverell* was guilty of the Charge exhibited against him in the first Article; and that He was an Offender of that Nature and Malignity, that that Court only could be the proper Judges of such High Crimes; and from their Lordships Justice the Commons hop'd, That his Punishment would be adequate to the Heinousness of his Offence.

*Sir John Hawles* follow'd *Mr. Walpole*, the Purport of whose Speech was; That the Commons of *Great Britain* had commanded

anded him to be assisting to the Gentlemen that spoke before,  
 the proving the Prisoner at the Bar guilty of the Crime  
 charged in the first Article of his Impeachment ; which was,  
 that he did Suggest and Maintain, in his Sermon preach'd at St.  
 Pauls, That the necessary Means us'd to bring about the  
 happy Revolution were odious and unjustifiable ; and that  
 his late Majesty in his Declaration disclaim'd the least  
 Imputation of Resistance ; and that to impute Resistance to  
 the said Revolution was to cast black and odious Colours  
 on his late Majesty. In making good which Article  
 against the Doctor, he hop'd the Gentlemen that had spoke  
 before him, would Excuse him, if he made use of another  
 Method than what they had done ; which he should do, not  
 disliking the Course they had taken, nor that he thought the  
 Method he should take was better than theirs, but only because  
 he would not repeat what was said by them, which he was sure  
 would come with a worse Grace from him, than it did from  
 them ; and because he was sure what had been said was very  
 well remembred by their Lordships. What he should offer, he  
 thought was somewhat to the Purpose, and not mentioned by  
 the Gentlemen before. As to the Passages taken out of the Ser-  
 mon to prove the Doctor Guilty of the Fact of the first Article,  
 they had been so fully open'd, and so very well apply'd that he  
 had very little to add to what had been said ; he should there-  
 fore only say, that the Clause of the Doctor's Sermon, wherein  
 the Doctor Asserted that *The grand Security of the Govern-  
 ment, and the very Pillar upon which it stood, was founded upon  
 the steady Belief of the Subjects Obligation to an absolute and  
 unconditional Obedience to the Supream Power in all Things  
 lawful, and the utter Illegality of Resistance upon any Pretence  
 whatsoever*, he lay'd down not as a Doctrine he would teach  
 his Congregation, but in Order to draw an Argument from  
 thence for some other Purpose ; and what that was appear'd  
 plainly afterwards ; for having alledg'd some Things not pro-  
 per for the Occasion for which the Day upon which he preach-  
 ed was Solemniz'd, he added, *Our Adversaries think they ef-  
 fectually stop our Mouths, and have us sure and unanswerable on  
 this Point, when they urge the Revolution of this Day in  
 their Defence ; but certainly they are the greatest Enemies  
 of that, and his late Majesty, and the most ungrateful for their  
 deliverance, who endeavour to cast such black and odious Co-  
 lours upon both. How often must they be told, that the late  
 King himself solemnly disclaim'd the least Imputation of Re-  
 sistance ?* By which 'twas plain, that the Position of the Sub-  
 jects Obligation to an absolute and unconditional Obedience  
 to the Supream Power laid down, had been only to shock  
 and lay odious Colours upon the Revolution, or the Means  
 whereby it was brought about ; he knowing that the Means  
 whereby the Revolution had been brought about, had been by  
 Force,



Force, and he knew it had been so declar'd by the Act of Parliament made in the first Year of King *William* and Queen *Mary*, for preventing vexatious Suits against such as acted in Obedience to the bringing in the late King and Queen. And the Doctor would insinuate that the same had not been done by Force, and it was own'd he did not assert that either it was or was not done by Force, but he strongly insinuated it was not done by Force, when he asserted, tho' untruly, that the late King disclaim'd any Resistance upon his coming. *John* would say nothing more as to that Matter, and nothing as to that other, that had been largely open'd, relating to the Subjects Obligation to an absolute and unconditional Obedience to the Supream Power; the rather, because if it had been doubtful, the Acts of Parliament mention'd in the Preface to the Articles, whereby the Revolution had been declar'd to be a glorious Enterprize, and the Means for bringing of it about justify'd, had determin'd that Matter; and because their Lordships he thought would not suffer the Doctor or his Council to say any Thing against the Revolution, or the Means whereby it had been brought about.

He said, The Commons of *Great Britain* own their Lordships to be the Supream Court of Judicature in the Government, but yet they thought that Acts of Parliament, where their Lordships were in part the Makers, were as binding upon their Lordships, as a Court of Judicature, as they were upon any Court of *Westminster-Hall*, where Matters determin'd by Act of Parliament were never suffer'd to be disputed afterwards; but he own'd what was practis'd in *Westminster-Hall* was not a Rule whereby their Lordships ought to be govern'd and therefore he rely'd only upon the Reason of what he asserted; for altho' their Lordships were the Supream Court, and from whom no Appeal did lie to any other Court of Judicature yet their Lordships, as a Part of the Legislature, were greater than in their Judicial Capacity, in which they were subject to the Law; tho' in their Legislative Capacity, in Concurrence with two other Powers, they were above the Law. He therefore thought it incongruous, that a Court of Persons of less Power should judge otherwise than the Court of greater Power had determin'd; but that he submitted to their Lordships, and was sure the Gentlemen of Council with the Doctor knew their Duty so well in that Matter, that they would not give their Lordships the Trouble of an Admonition upon that Occasion. He would not add more upon that Subject, but proceed, with their Lordships Permission, to prove the Doctor Guilty of what he was charg'd with in that First Article by the Doctrine by himself laid down in his Sermon, and admit for Argument-sake the same to be true; tho' he must assert, that he carry'd the Doctrine somewhat farther than the

Apostle

Apóstles had done in some Respect, but in other Respects  
 seem'd to restrain it more than they did. In the restraining  
 part he seem'd to confine the absolute and unconditional Obe-  
 dience to Things lawful, which Restraint look'd like some-  
 thing, but in Truth, upon Examination, was nothing; for  
 supposing the Supream Power Commanded the Subject to do  
 something which it thought Lawful, but the Subject not wil-  
 ling to Obey pretended the thing to be Unlawful, the true  
 Reasons being that it was chargeable, troublesome, hazardous,  
 or the like; in this Case who was to be Judge; the Supream  
 Power, or the Subject? In the Reason of the thing, neither of  
 them were proper Judges; for the Supream Power would be  
 byas'd, by reason of the Command given by them at first, and  
 would be asham'd to own what they commanded was Unlaw-  
 ful, and therefore would give Judgment on their own side, to  
 justify themselves in what they had commanded; and the  
 Subject would be as much byas'd for the same Reason that he  
 had been at first dissatisfied with the Command; and there  
 being no higher Power or Authority to Appeal to than the  
 Supream Power, that must needs be the Judge, from whom  
 there could be no Appeal. But perhaps the Doctor and he  
 offer'd in the Persons in whom the Supream Power was lodg'd,  
 or the Doctor had not mention'd that Matter, either in his  
 sermon, or in his Answer to the Articles; but he hop'd in  
 the Answer the Doctor was to give to what was then objected  
 against him, he would tell them in whom that Power was  
 lodg'd; but that he would himself first tell the Doctor in whom  
 he thought it was lodg'd, and that was in the Queen's Maje-  
 sty, the Lords Spiritual and Temporal and Commons in Parli-  
 ment assembled: And he thought when the Acts mention'd  
 the Impeachment pass'd (except the Act for declaring the  
 Rights and Liberties of the Subject) the Supream Power had  
 been lodg'd in the late King *William* and Queen *Mary*, and the  
 Lords Spiritual and Temporal and Commons in Parliament  
 assembled. But as the Doctor seem'd to have restrain'd his  
 doctrine of Non-Resistance, had as much enlarg'd his Doctrine  
 of Absolute Obedience; for, as Sir *John* thought what had  
 been till then written or asserted, upon the Occasion of that  
 Matter, went no further than Passive Obedience and Non-Re-  
 sistance; but the Prisoner's Doctrine extended to Active Obe-  
 dience as well as Passive, because, the Words of the Apóstles,  
 from whom that Doctrine was taken, seem'd to restrain it on-  
 ly to Passive Obedience and Non-Resistance; and the Reasons  
 by the Apóstles inculcated no other Obedience, was,  
 he believ'd, because that was sufficient to secure the  
 Government under which the Apóstles liv'd, which was the  
*man* Government, and which stood in Fear, of no Foreign  
 Force, and which Government was said and believ'd,  
 could

could not be ruin'd but by its own Subjects which afterwards prov'd to be true. That that their Doctrine was the Doctrine of Christianity, and truly so call'd, Sir John readily agreed to the Prisoner; but he did not think that Christianity introduc'd that Doctrine into the World, for he thought as the Doctor did, that it was as ancient as Government, because it was impossible that Government could subsist unless supported by its Subjects; but how ancient that Doctrine was, could not be asserted, without knowing how Government came to be introduc'd into the World? If it was Patriarchal, as some had asserted, it was as antient as *Adam*; if introduc'd by Conquest, then its Date was no higher than *Nimrod*; if it was by Compact, then he could not say when it began; but so much was certain, that it had been as ancient as the *Roman* People, which was above seven Hundred Years before the Coming of our Saviour, but how long before the *Roman* Name was known he could not take upon him to say. But tho' that Doctrine had not been introduc'd by Christianity, yet he thought it might well and properly be call'd the Christian Doctrine; for tho' amongst the Heathen it was a Political Law, and oblig'd as other Laws did for fear of Punishment, yet Christianity had first press'd that Doctrine upon the Consciences of the Subject, which no other Religion had done, and that was sufficient to Entitle it to the Name of Christian. But the Doctor, as he said, had carry'd it farther than the Words of the Apostles did, extending it to an Active Obedience, which the Words of the Apostles did not warrant in the Strictness of the Expressions. Yet he would not contend with the Doctor in that Matter, for if the Doctrine, as preach'd by the Apostles were sufficient to secure the Government they liv'd under, as it was, and that Doctrine was not sufficient to secure the Government we now live under, as it was not; the Doctor might very well think that what he then asserted, by the Equity, as it is call'd (that is) the Reason of the Doctrine preach'd by the Apostles, was well warranted.

Having thus stated the Matter of the Subjects Obedience to the Supream Power, in which he had agreed with the Doctrine set forth in the Sermon. Sir John could not imagine how the Doctor could justify himself in declaring against the Revolution, as he had done; when he knew, as well as any, that the Revolution had been justify'd by the Supream Power in the Acts of Parliament mention'd: For certainly it must be granted, that the Doctrine that Commanded Obedience to the Supream Power, tho' in things contrary to Nature, even to suffer Death, being the highest Injustice that could be done a Man rather than make an Opposition to the Supream Power, because the Death of one or some few private Persons was a less Evil than disturbing the whole Government, that Law must needs



have been understood to forbid the doing or saying any thing  
 to disturb the Government, the rather because the obeying that  
 Law could not be pretended to be against Nature; and the  
 Doctor's refusing to obey that implicit Law, was the Reason  
 for which he was then prosecuted, tho' he would have had it  
 believ'd, that the Reason of his then Prosecution was for the  
 Doctrine he asserted of Obedience to the Supream Power,  
 which he might have preach'd as long as he had pleas'd, and  
 the Commons would have taken no Offence at it, if he had  
 stop'd there, and had not taken upon him, on that Pretence or  
 Occasion, to cast odious Colours upon the Revolution; if he  
 was of the Opinion he pretend it could not be imagin'd how  
 it came to pass, that he who pay'd that Deference to the Su-  
 pream Power, had preach'd so directly contrary to the Deter-  
 minations of the Supream Power in this Government, he very  
 well knowing that the Lawfulness of the Revolution, and of  
 the Means whereby it had been brought about, had already  
 been determin'd by the aforesaid Acts of Parliament, and did  
 it in the worst manner that he could invent; for questioning  
 the Right to the Crown here in *England*, had procur'd the  
 shedding of more Blood, and caus'd more Slaughter, than all the  
 other Matters tending to Disturbances in the Government put  
 together. If therefore the Doctrine which the Apostles had  
 laid down was only to continue the Peace of the World, as  
 thinking the Death of some few particular Persons better to be  
 for than a Civil War; sure it must be the highest Breach  
 of that Law, to question the first Principles of this Government.  
 That it was not forgotten how much Blood had been spilt up-  
 on the account of the title between the Houses of *York* and *Lan-*  
*caster*, in which the Learn'd in the Law had differ'd, and the  
 setting on Foot that Question of the Title of the present Go-  
 vernment, above twenty Years ago determin'd, and that Deter-  
 mination acquiesc'd in from that time 'till then, in all proba-  
 bility, if not suppress'd would tend to as great Mischief as that  
 War entail'd on the Nation. Yet the Doctor, who preach'd  
 of the Subjects Submission to the Supream Power, even to  
 death it self, thought he had not only a Licence, but a Com-  
 mand from God, to enquire into the late King and Queen's  
 Right to the Crown, and to blow a Trumpet to set his Fellow  
 Subjects to cut one anothers Throats upon that Account, which  
 was the absurdest Construction of a Text that ever was  
 made; and yet that was the Case if the Prisoner's Practice  
 were compar'd with his Doctrine.  
 He thought the Doctor ought to have consider'd what our  
 Saviour and his Apostles did in their time; it did not appear  
 that any of them ever question'd the Title of the Emperors,  
 under whose Government they liv'd, or ever said any thing  
 relating to their Titles, or that Power they exercis'd; and yet  
 if they had thought it lawful or expedient, they had just Oc-  
 casions

casions to have done it. That St. *John*, the Survivor of the Apostles, had liv'd, as was said, to the time of *Trajan*; so that by that Account he liv'd under thirteen Emperors, including *Augustus* and *Trajan*; and yet neither of them had so much as a Pretence of Right to the Empire, according to the Opinion then had of that Right. That, The first and last of those Emperors were the very best the *Romans* had, except perhaps *Titus Vespasian*; and yet *Augustus* came to the Empire by the worst Means of any of them, for he had waded thro' a Sea of Blood, and been guilty of many Acts of Treachery and Cruelty; but after the World had reap'd so many Benefits by his Excellent Government, it forgot the Iniquity of the Means whereby the Empire had been obtain'd; and the best Means of obtaining the Empire, by the following Emperors, 'till the time of *Titus Vespasian*, had been by Force, and most of them by treacherous Murders; and yet it did not appear that either our Saviour or his Apostles had reproach'd any of those Emperors with the Injustice of the Means whereby they became so. And he thought it would have become the Doctor to have followed those good Examples; but the Doctor was of another Opinion, and thought the aforesaid Words of *Isaiah*, *To cry aloud*, &c. did well warrant that his Opinion, not considering that the Prophet had that Express Command from God, for reproving the Hypocrisy of the *Jews*; and if the Doctor had the like Command for Preaching as he had done, he thought he had quoted a good Authority for so doing; but he must give a better Proof of such Command than he had yet done.

If the Doctor thought the Command given to *Isaiah* extended to him, how came it to pass that the Apostles did not think the same Command extended to them? Did not they live near the time of *Isaiah*? Were not they acquainted with the Writings of *Isaiah*, as well or better than the Doctor, and so might have known the Authority given to that Prophet better than the Doctor? But yet forbore to do as the Doctor hath done; and their having forbore so to do, could not proceed from any other Reason, than that they thought those Words did not extend to the Apostles, or that they thought it was not Lawful or Expedient for them to question the Title of those Princes, or the Justice or Means whereby they had obtain'd it.

Sir *John* added That if the Doctor had been contented with the Liberty he took of Preaching up the Duty of Passive Obedience in the most extensive Manner he had thought fit, and would have stop'd there, their Lordships would not have had the Trouble in Relation to him they were then put to; but it was plain, that he preach'd up his absolute and unconditional Obedience, not to continue the Peace and Tranquility of the Nation, but to set the Subjects at Strife, and to raise a War in the Bowels of it, and therefore he was then Prosecuted, tho'

he would fain have had it believ'd, that the Prosecution was for preaching the peaceable Doctrine of Absolute Obedience.

Sir John said, He could not but take Notice of the Scandal the Doctor charg'd upon the late King, as if when he Landed he had disclaim'd all manner of Imputation of Resistance, than which nothing was more untrue, even by the Doctor's own Confession in his Answer, and the Words of the Declaration mention'd in the Print of the Sermon, tho' no Part of the Sermon, whereby he pretended to explain himself, by saying, he intended a Disclaimer of Resistance in order to a Conquest, than which nothing could be more absurd, for that never a Conquest had been made, or ever would be made, by bare Resistance; nor ever had a weaker Thing been charged upon a Prince, than to make him disclaim all Resistance at a Time when he was actually making War; for his bringing an arm'd Force of that Number he did into this Kingdom, with a great Train of Artillery with him, had been making War by the Law of Great Britain; and he had charg'd the Prince of Orange with an Act of the highest Treachery, in pretending Peace when he actually made War.

That the last Matter he should take Notice of were the Words in the Nineteenth Page of the Doctor's Sermon, viz. *that old Leaven of their Forefathers is still working in the present Generation; that this traditional Poyson still remains in this Brood of Vipers, to sting us to Death, is sufficiently visible, as to the dangerous Encroachment they now make upon Government, and the treasonable Reflection they have published upon Her Majesty, God bless Her! whose Hereditary Right to the Throne they have had the Impudence to Deny and Cancel, to make Her a Creature of their own Power; and that the same Principles they plac'd a Crown upon Her, they tell they, (that is the Mob) may Reassume it at their Pleasure.* That he thought it could not be doubted who it was the Doctor meant by the Word *Mob*, which was the People of England; tho' the Word *Mob* were a Cant Word amongst a sort of People called Gypsies, and with them signify'd the Meanest or Scum or Dregs of the People, yet as the Doctor has us'd it in that Place, it could signifie nothing else than the Body of the People of England, of whom Sir John believ'd their Lordships did not think it beneath them to be thought a Part, and the chiefest Part, for he asserted, They said, that they had plac'd a Crown upon Her Majesty, and from thence made an Inference that they might reassume it at their Pleasure; which should be intended nothing else than what had been done in Respect of Her Majesty by the Bill of Rights, wherein 'twas said, *that the Lords Spiritual and Temporal and Commons in Parliament assembled did declare Her Majesty, after the Death of the late King and late Queen, without Heirs of her Body, was Lawful*



*Lawful and Rightful Queen of this Realm.* Now, tho' Her Majesty had an Hereditary Right and Title to the Crown, and so She was not so much concern'd in the Declaration by the said Act, as the last King and Queen, in what that Act confer'd upon them, which had been done only by the People of *England*, under the Denomination of Lords Spiritual and Temporal and Commons in Parliament assembled; and if that had not confer'd a Title to the Crown on the late King and Queen, they, who in their Lives time had been thought to be lawful and rightful King and Queen of these Realms, by the Doctors reasoning, had been no better than the Usurpers of another Right; and tho' that Bill of Rights had been afterwards confirm'd by an Act in the second year of their Reign, yet that would not at all mend the Matter; for if they had not obtain'd Right, by the Bill of Rights, to the Crown of these Realms, they could be no more King and Queen of these Realms, than they had been before the said Bill of Rights: But the Truth was, that when a Government was brought out of *France* by the extraordinary Steps of a Prince, 'twas a vain thing to hope that it ever could be set right by regular Steps, for that never was done, nor ever would be done; but that those Methods which were necessary to set the Government in a right Frame again, had been always taken to be Legal, tho' by the Niceties of Law they could not be well justified. That upon the Change of Government from *Richard* the Second to *Henry* the Fourth, the Parliament call'd in the Time of *Richard* the Second, and by his Authority, had continu'd to sit in the Time of *Henry* the Fourth, and pass'd several Acts in the Time of *Henry* the Fourth, which had never been practis'd before, nor warrant'd by any known Laws; yet what done had been allow'd to be Legal. So in the Time of *Henry* the Seventh; being attainted of High-Treason, which, according to the Rules of Law at that time, prevented the Descent of the Crown on him, and his Friends being also mostly attainted, were incapable of Sitting in Parliament 'till those Attainders were revers'd, which could not be done but by Act of Parliament, or the Court of King's Bench; and that King did not care to have a Parliament 'till his Friends might be capable of sitting there, nor could he make Judges 'till he was King, which Difficulty seem'd to be insuperable, but the Judges made a Resolution according to the Exigence of the Thing, and declar'd that Sir *William Stanley's* placing the Crown upon the Earl of *Richmond's* Head purg'd his Attainder, and he there became from thenceforwards King of *England*, and enabled the Constituted Judges, and the Judges to Reverse the Attainders of all the King's Friends: That it was true, *Henry* the Seventh married the Heiress of the House of *York*, and was therefore, as has been since thought, King in Right of his Queen,

He never would own her Title to the Crown, nor ever suffer'd  
 her to join with him in any Act of Government, nor ever  
 declar'd by what Title he possess'd the Crown; and yet none  
 of the Acts pass'd in his time, nor any Thing then transacted,  
 had been afterwards question'd upon the Account of his Title  
 to the Crown: That an Act had pass'd in his time, Indemn-  
 ifying such as should Obey or Assist the King then in Being,  
 whether he had Right to the Crown or no; but if he had not  
 been allow'd to be King before the passing of that Act, the  
 Acts of Parliament that pass'd in his Time would have been  
 of no more Validity, than the Acts pass'd in the Time of  
 Cromwell, or any other Usurper; whereby 'twas plain, that  
 the Doctor then, and the Persons who had the best Knowledge  
 of Matters of that kind in those Days, disagreed in Opinion:  
 and he could not but take notice that the Doctor, notwith-  
 standing his little Knowledge in the Matters he Discours'd of,  
 made the Declaration by Parliament of the Queen's Title to  
 the Crown, to be the Cancelling of Her Title by Descent; and  
 therefore he seem'd to advise Her Majesty, to quit that Title  
 she claim'd from Her People, and to rely upon Her Title by  
 Inheritance: Whereas, if the Doctor had but known what  
 the Law allow'd; or if he had read any thing of this Mat-  
 ter, he would have known that those Titles did by no means  
 disagree, but were Consistent with one another, and that  
 since that sometimes have claim'd by several Titles, would  
 not make their Choice of which they rely'd on. That Henry  
 the Eighth, who was Heir of the Houses of York and Lanca-  
 ster, never declar'd on which Title he rely'd; Queen Eliza-  
 beth, after the Death of Her Brother and Sister, claim'd as  
 Heir to Henry the Eighth, and was likewise Devisee of the  
 Government of England by the Will of her Father, who had  
 been by Act of Parliament enabled to give it by his Will to  
 whom he pleas'd; but notwithstanding that, she desir'd to  
 have an Act of Parliament, which she had, declaring her to  
 be Queen of England, &c. which Act of Parliament was to  
 the same Purpose as was the Bill of Rights in respect of Her  
 Majesty's Title to the Crown. Sir John said, he would not  
 trouble their Lordships any more, to prove the Prisoner Guil-  
 ty of the Crimes charg'd upon him by the first Article of the  
 Impeachment; yet he could not but observe some Aggravating  
 Circumstances of the Prisoner's Crime. As first, That the  
 doctrine in the Impeachment had been Preach'd by a Divine  
 of the Church of England as by Law Established; for a Divine  
 of the Church of England was a Person of that Credit, that  
 the People were ready to assent to what he said without con-  
 sidering what the same was, or how made out: In the next  
 place, It had been preach'd in the Cathedral Church of the Me-  
 tropolis of the Kingdom; whereas had it been preached in

some obscure Country Town, 'twould have hardly been taken Notice of: In the third place, It had been preach'd before the Lord-Mayor and Court of Aldermen of the City of London, and so far approv'd of by them, or some of them, as to be Commanded to be Printed; for which Reason what he had preach'd had done more Mischief than otherwise 'twould have done, there having been about forty thousand printed to vilify the Revolution, on which depended the Security of the Protestant Religion both at home and abroad, and the Succession of the Crown in the Protestant Line, the Union of the two Kingdoms, the Queen's Bounty to the poor Clergy, and several other Benefits enjoy'd by the Revolution, and among others, that Her Majesty had been, and still was so peaceably possess'd of the Crown: For if the Force before the Revolution, which suppress'd Her Majesty's Hereditary Right to the Crown, had not been remov'd by the Revolution, as it had been, Her Majesty's Title would never have been able to have exerted it self, and if ever the Doctor, or any of his Accomplices should ever be able to shock the Revolution, as to remove what had been built upon it, he doubted that Force which the Revolution remov'd would return again, and oppress the Queen's Title to the Crown, as it had done before.

He concluded saying, He could not pass by the Doctor's Answer to the Articles, without taking Notice of one Passage in the same, viz. *Hard is the Lot of the Ministers of the Gospel, if when they cite the Word of God in their general Exhortations to Piety and Virtue, the several Texts by them cited should be said to be by them meant of particular Persons and Things.* That he must submit to their Lordships Judgment the Unreasonableness of that Complaint, and whether the several Texts and Passages cited by him in his Sermon could bear any other Construction than what had been made, and whether it were not the Duty of the Preacher to deliver himself so in the Pulpit, that his Meaning should not be doubtful to his Congregation. That the Commons of Great Britain did not go about to make him Assent or Swear to what the Supreme Power had determin'd, tho' the Doctor in his Sermon had thought fit to impose Matters of that kind upon other Persons, so as to make them Swear to them; no, the Commons of Great Britain would only have him restrain'd from publishing any Thing, and especially in the Pulpit, which reflected upon the Supreme Power, or what they had or should determine, which even the nicest Conscience had never yet bogled at. That he could add more Aggravations of the Doctor's Crimes, but would forbear to do it, rather following the Example of the Commons of Great Britain, who had indeed demanded Judgment against that Person of their Lordships, but had done it in mercy, for they might have charg'd those Matters against the Doctor as High

Treason

Treason,  
in a Rei  
Sermons  
peached;  
peachmen  
Rule in c  
was had,  
Prosecuto  
greater Pu  
es might  
soever Ce  
the Comm  
sified wi

The nex  
f whose  
ore him t  
le to him  
arly apply  
risoner a  
rst Article  
id set for  
ermine an  
stant Suc  
y's Admi  
nd to Tra  
ne same P  
If it wer  
ne Gentl  
rted in ge  
olution, th  
the Crow  
that wer  
vanc'd th  
harge of i  
eir Lord  
e Govern  
That wh  
re him co  
id with so  
overnment  
that Sub  
ry, to aff  
tance, on  
e profess  
understoo  
er Majesty  
at they sci



Treason, and so it had been in Indictments against some Divines in a Reign known to their Lordships, for Matters in their Sermons less Heinous than those for which he was then Impeached; yet the Commons had call'd the Matters of that Impeachment only High Crimes and Misdemeanours, and it was a Rule in our Law, that the Court in which a Prosecution was had, could not call the Crimes greater than what the Prosecutor thought fit to charge them, and could not adjudge a greater Punishment to the Crimes than usual, but in some Cases might lessen the Punishment for such Crimes; and whatsoever Censure their Lordships should pass upon that Criminal, the Commons of *England* would acquiesce in, and be well satisfied with the same.

The next Manager was Lieut. Gen. *Stanhope*, the Purport of whose Speech was, That the Gentlemen who had spoke before him to that Article, said so much, that they had left little to him who was last in it. He should therefore particularly apply himself to make out to their Lordships, that as the Prisoner at the Bar was Guilty of the Matter charg'd in that first Article, so he had done it (as the Preamble of the Articles did set forth) with a Wicked and Malicious Intention to Undermine and Subvert Her Majesty's Government, and the Protestant Succession as by Law Established; to Defame Her Majesty's Administration; to Asperse the Memory of his late Majesty; and to Traduce and Condemn the late happy Revolution; as in the same Preamble to the Articles it was charg'd against him.

If it were true, (as their Lordships had been told by most of the Gentlemen who went before him) that Non-Resistance, asserted in general Terms, did destroy the Foundation of the Revolution, the present Establishment, and Her Majesty's Title to the Crown, and the Settlement of the Protestant Succession; that were true, it was as true, that the Doctor, who has advanc'd that Doctrine in general Terms, was Guilty of that charge of intending to Subvert the Government: And then their Lordships ought to proceed against him, as an Enemy to the Government.

That what had been said by the Gentlemen that spoke before him concerning the Doctrine of Non-Resistance, had been said with so much Regard to Truth, to Her Majesty and Her Government, that he was persuaded nothing that had been said on that Subject, could justly be misconstrued. But on the contrary, to assert in general Terms the absolute Illegality of Resistance, on any Pretence whatsoever, (as that Doctor and all the professed Enemies of the Government avowedly did) must be understood by all impartial and thinking People to overthrow Her Majesty's Title and Government; since at the same Time that they screen'd themselves under the specious Notion of pro-

feeling Absolute and Passive Obedience to the Supreme Powers, they could not conceal their true Meaning; that the true and real Object of their darling Doctrines, such as *Jus Divinum*, *Non-Resistance*; the *undefeasable, unalienable Hereditary Right*, that (he said) the true Object of those Doctrines was a Prince on the other side the Water. They could not otherwise be consistent with themselves. For in the same Breath, in the same Discourse, to preach passive unlimited Obedience to Magistrates, and to revile and defame the Magistrates; to preach Non-Resistance on any Pretence whatsoever; and to encourage Sedition by inveighing in the strongest Manner against the Administration; those were such Contradictions as could no otherways be reconcil'd, no otherways, than by concluding, what was very plain from their Conduct, that however they were pleas'd to colour and disguise their Discourses, their true End was only to disingage and alienate the People's Affections from their present Governors; to insinuate to them that the Foundation of the Revolution was wrong; that the Revolution it self was an Usurpation; that whatever had been built upon that Foundation, could have no weight; and to misrepresent those who had a Hand in it, as Rebels and Traitors.

As to the Doctrine it self of absolute Non-resistance, it seem'd needless to prove by Arguments, that it was inconsistent with the Law of Reason, with the Law of Nature, and with the Practice of all Ages and Countries. Nor was it very material, that the Opinions of some particular Divines, or even the Doctrine generally preach'd in some particular Reigns, might have been concerning it. It was sufficient to know what the Practice of the Church of *England* had been, when it found it self Oppress'd. And indeed there lay an Appeal to the Practice of all Churches, of all States, and of all Nations in the World, how they behav'd themselves when they found their Civil and Religious Constitutions Invaded and Oppress'd by Tyranny: He believ'd one might farther venture to say, that there was not, at that Time, any Nation or Government in the World, whose first Original had not receiv'd its Foundation, either from Resistance, or Compact. And as to their Purpose, it was equal, if the latter were admitted. For wherever Compact was admitted, there could not but be admitted likewise a Right to defend the Rights accruing by such Compact. To argue the municipal Laws of a Country in this Case, was idle. Those Laws being only made for the common Course of Things; and could never be understood to have been design'd to defeat the End of all Laws whatsoever: Which would be the Consequence of a Nation tamely submitting to a Violation of all their Divine and Human Rights.

That

That  
Case, h  
Passive-  
their Lo  
was sure  
Principle  
the Doct  
him in C  
preach'd  
Discours  
was the  
that Arg  
science,  
express h  
ships wor  
which h  
de causis  
bertatem  
rum alig  
legibus co  
por illa d  
The Se  
his: Bu  
oppose th  
Scriptures  
Things con  
St. Peter  
Men.  
To appl  
Memory  
commande  
ther his C  
had been c  
mands to  
to all such  
dispensing  
agreeable  
whose Cou  
Commands  
violate all  
ships had t  
Nation the  
preach'd by  
But retur  
Petenda sun  
Thesum I  
arum Form  
unt haurie

That there was a Latitude left to the Subjects in such a Case, had been allow'd by the most strenuous Advocates of Passive-Obedience : And he would on that Occasion quote to their Lordships, the Sermons of a Reverend Divine, who, he was sure, was not thought a Favourer of Antimonarchical Principles, nor to deserve any of those pretty Epithets, which the Doctor so liberally bestow'd on those who differ'd from him in Opinion. It was Doctor *Atterbury's* Latin Sermon, preach'd to the Convocation. The Scope and Drift of that Discourse had been to preach up Absolute Obedience, yet such was the invincible Force of Truth, and such the Nature of that Argument, that the Doctor, not to betray his own Conscience, after having well thought upon it, was obliged to express himself in the following Words, which their Lordships would give him leave to read to them out of his Sermon, which he had there in his Hand. *Quando autem, quibusq; de causis Magistratum imperia detrectare, Nosmetipsos in libertatem vindicare liceat, ne verbulo quidem indicant : nisi utrum aliquid ab hominibus forte imperatum fuerit, latis a Deo legibus contrarium. Id ubi acciderit, quid agendum sit, Petri vox illa declarat, Obedire oportet Deo magis quam Hominibus.*

The Sense of this Passage, ( he said ) if he mistook not, was this : *But when, and upon what Causes it may be lawful to oppose the Power of the Prince, and assert our Liberties, the Scriptures do not say ; unless in Cases when Men shall command Things contrary to the Laws of God. When that shall happen, St. Peter tells us what we must do, We must obey God before Men.*

To apply this to the present Argument, he appeal'd to the Memory of their Lordships, whether King *James* had not commanded Things contrary to the Laws of God ; whether his Commands to the Reverend Fathers of the Church had been consonant to the Law of God ; whether his Commands to execute a dispensing Power ; whether his Commands to all such of both Houses, as he could influence to Vote for a dispensing Power, contrary to their own Consciences, had been agreeable to the Law of God ; or, in short, whether the whole Course of his Reign had not been a Series of illegal Commands, calculated to destroy their holy Religion, and to violate all their religious and civil Rights. Their Lordships had thought so ; the Commons thought so ; and the Nation thought so ; and in Consequence of that Doctrine, preach'd by *St. Peter*, they had chosen to obey God before Men.

But returning to *Dr. Atterbury's* Sermon, it went on thus : *Petenda sunt ista ( si quidem peti necesse sit ) a Jurisconsultis, Theſum Politicarum tractatoribus ; e legibus, e Rerumpublicarum Formis, sua cuiq; Genti propriis, tanquam e fonte suo, haurienda.*



In English thus :

But in such Cases you must advise with the Lawyers, and those learned in Politicks ; and have Recourse to the Laws and Constitutions peculiar to each several Country, as to the Springs and Fountains of this Knowledge.

In Compliance to what was recommended by this Reverend Dean, he said, he had endeavoured to follow his Advice, to consult with those learned in the Laws of Nations and Politicks. He had heard that *Grotius* was of as good Authority on those Subjects as any that had writ about them ; that he had ever been a Favourer of Monarchy, and held in great Repute amongst the Divines of their Church : He should therefore beg leave, out of the many Passages to be found in his excellent Treatise *de Jure Belli & Pacis*, which supported that Argument, to quote only one, for the saving of their Lordships time. Book I. Chap. 4. and Section 13. *Si Rex partem habeat summi Imperii, partem alteram Populus, aut Senatus, Regi in partem non suam involanti vis justa opponi poterit, quia eatenus imperium non habet : quod locum habere censeo, etiam si dictum sit, Belli potestatem penes Regem fore ; id enim de bello externo intelligendum est, cum alioquin quisquis Imperii summi partem habeat, non possit non jus habere eam partem tuendi.*

The Sense of that Passage he conceiv'd to be thus : If the King has one Part of the supreme Power, and that the other Part is in the Senate, or People, when such a King shall invade that Part that does not belong to him, it shall be lawful to oppose a just Force to him, because his Power does not extend so far : Which Position I hold to be true, even tho' the Power of making War should be vested only in the King ; which must be understood to relate only to Foreign War : For as for Home, it is impossible for any to have a Share of the Supreme Power, and not to have likewise a Right to defend that Share.

This Passage, he said, was exactly adapted to the Constitution of England, and the latter Part of it perfectly agreeable to what he had always heard quoted as a Maxim of the Law, *That wherever there is a Right, there is a Remedy.* That their Lordships had Rights, no Body would presume to deny ; that the Commons had Rights, no Body would deny ; that every Subject of Britain has Rights, no Body will deny. Then to say, when a Prince should invade all these Rights at once, to say that the whole Collective Body of the Nation had no way to vindicate those Rights, was so inconsistent, so contrary to Reason, that 'twas to be wonder'd it could ever enter into the Mind of Man.

Were it not for fear of tiring their Lordships, he said, he might, from many Passages out of *Fortescue* \*, and Mr. Hooker,

\* *Fortescue de laudibus legis Angliae*, Cap. 10, 11, 12, 13.

Hooker  
tution of  
Subjects  
private C  
by Law,

That t  
nesses, a  
which br  
had been  
that Refi  
had been  
Crime to  
Many of  
The great  
or counte  
the gloriou  
ude to t  
grateful  
promoting  
in their N  
the injuri  
and Trait  
cern'd in  
volution :  
had been  
only trad  
ers ; it v  
bear to m  
quently th

If it we  
in so unli  
certainly  
present E  
true that  
such as l  
tion, did  
of Rebell  
same Posi  
ent Gove  
clude, tha  
end, as v  
to underr  
Protestant  
If the I  
ence to t  
medling

† *Ec.*

Hooker †, evince beyond Contradiction that the Constitution of *England* was founded upon Compact ; and that the Subjects of the Kingdom have in their several publick and private Capacities, as legal a Title to what were their Rights by Law, as a Prince to the Possession of his Crown.

That their Lordships, and most that heard him, were Witnesses, and must remember the Necessities of those Times which brought about the Revolution : That no other Remedy had been left to preserve their Religion and Liberties ; that that Resistance had been Necessary, and consequently Just. It had been then by no good Man thought a black and odious Crime to take up Arms for the Defence of his Country. Many of your Lordships had been Actors in that Resistance. The greatest Part of the Nation had either actually resisted, or countenanc'd, abetted, and supported those who set them the glorious Example. He hop'd they had all so much Gratitude to the best and greatest of Queens, as to retain for ever a grateful Memory, how great a Share Her Majesty had in promoting that Revolution. When those Facts were so fresh in their Memories ; what must they say to those who gave the injurious Names and Epithets of *Republicans*, of *Enemies and Traitors to Church and State*, to those who had been concern'd in that Resistance which brought about the Revolution ? Sure it might have become them to consider *who* had been concern'd, and *who* had a Share in it. It was not only traducing the late King and Queen, our glorious Deliverers ; it went yet further : But he would out of Respect forbear to mention what they not only thought, but have frequently the Insolence to own.

If it were true that the Doctrine of Non-Resistance asserted in so unlimited a Sense, as not to except the Revolution, did certainly sap the Foundation of the said Revolution, and the present Establishment which was built upon it ; if it were true that to arraign, as guilty of black and odious Crimes, all such as had been concern'd in the Resistance at the Revolution, did involve the greatest Part of the Nation in the Guilt of Rebellion, and Treason ; if it necessarily follow'd, from the same Positions, that their Allegiance was not due to the present Government ; he thought they might as necessary conclude, that the Doctor's Sermon then before their Lordships, did tend, as was set forth in the Preamble of the Impeachment, to undermine and subvert Her Majesty's Government, and the Protestant Succession, which stood on the same Foundation.

If the Doctor had in that Sermon only preach'd up Obedience to the Supreme Power, as a Christian Duty, without meddling with Politicks, he might have been allow'd perhaps

† *Ec. Polity*, Pag. 86, 444, 445, 470:

to have pleaded for Excuse, that he was ignorant of the Consequences that might be deduc'd from such general Propositions; that his only Aim had been Charity, Peace, and Submission to the Magistrates in being. Their Lordships must therefore be pray'd to compare one part of his Sermon with the other. And he was perswaded they would then be of Opinion with him, not only that the Conclusion drawn from his Positions, did necessarily flow from them, but that the Doctor himself must have been conscious of it, and consequently that what he had done, must have been, as set forth in the Charge, *with a wicked and malicious Intention.*

For had the Doctor, in the remaining of his Sermon, preach'd up Peace, Quietness, and the like; and shewn how happy the Subjects were under Her Majesty's Administration; and exhorted Obedience to it; he had never been call'd to answer a Charge at their Lordships Bar. But the Tenor of all his subsequent Discourse, was one continu'd Invektive against the Government. Passive-Obedience was set down as an indispensable Duty: But it was evident, by the whole Sermon, that it was not due to Queen *ANNE*, or Her Administration. Then what could that be, but to usher in a *rightful Title* ( he thought they call'd it ) of one on the other side the Water?

That there was such an Affinity between the Sermon, and the Doctrines preach'd and propagated by a certain Set of Men, that he could not but observe to their Lordships on that Occasion, how Industrious they had been ever since the Revolution, to prepare a Way for another. They were the pure and undefil'd Church of *England*! The only Men of loyal and steady Principles! They never had taken the Oaths to the Government; never bent their Knee to *Baal*! They had their own Archbishops, Bishops and Pastors, and constituted the only true and pure Church of *England*! The rest were Schismatics, that is, all the rest of *England* were Schismatics, Hereticks and Rebels! He therefore desir'd to know what were the peculiar and distinguishing Characteristicks, the Favourite and Darling Tenets of those Men? What else but *Passive-Obedience, Jus Divinum, an Hereditary, Indefeasable Right of Succession*, which no Necessity, no Act of Parliament, no Prescription of Time, no natural or legal Incapacity, could ever invalidate or set aside? If they were in the right, ( said he ) what were the Consequences? The Queen was not Queen: Their Lordships were no House of Lords, for they were not duly summon'd by a Legal Writ; They themselves were no House of Commons, for the same Reason: All the Taxes rais'd for twenty Years past had been arbitrary and illegal Extortions: All the Blood of so many brave Men, who had died ( as they thought ) in the Service of their Country, had

been spilt  
so many

If those  
undefil'd  
own Con  
it might  
mildest o  
that Tol  
how per  
Principle  
Treasons  
the Oath  
it; where  
not forge  
Church o  
stead of t  
of Praise  
ful Succ  
were tak  
said ) tha  
dition ag  
Lordships  
rious Pri  
sty, who  
Tranquili

Were l  
Lordships  
cerning t  
liciously  
like him,  
as himse  
Principle  
of Govern  
He tol  
stated the  
Rulers ou  
with Rep  
merated t  
and Vigil  
maintain  
Religion  
slative, a  
ministrat  
Military  
indeed w  
Branches  
could nev

† Quat



been spilt in Defence of an Usurpation ; and they were only so many Rebels and Traitors.

If those *Puritans*, ( so he thought he might call them ) those undefil'd pure Church-men, would confine themselves to their own Conventicles, to get Money from a few deluded Women ; it might perhaps be consistent with the Indulgence of the mildest of Governments, to suffer them to enjoy the Benefit of that Toleration, which was allow'd to Protestant Dissenters, how pernicious and destructive soever to the Publick their Principles might be. But when they came and vented their Treasons abroad ; when they occasionally conform'd, and took the Oaths to the Government, in order the better to destroy it ; when they abjur'd the Pretended Prince of *Wales*, but did not forget him ; when they invaded the Pulpits of the true Church of *England* ; when the Pulpit of the Metropolis, instead of teaching the People to pay their Anniversary Tribute of Praise and Thanks to Almighty God for the many wonderful Successes with which he had bless'd those Arms which were taken up in Defence of the Revolution : When ( he said ) that Pulpit was prostituted and polluted by venting Sedition against the best of Queens ; it was high Time for their Lordships to animadvert upon it, for the Honour of those glorious Princes who were dead, for the Honour of Her Majesty, who so happily rul'd over them, and for the Peace and Tranquility of all Her Subjects.

Were he not afraid of being thought too tedious to their Lordships, he would have offer'd to them a few Words, concerning that Administration which the Doctor had so maliciously defam'd ; for as fond as that Gentleman, and those like him, were of meddling with Politicks in the Pulpit, and, as himself express'd it, *of setting the People right in their Principles* ; he did not find they ever taught what the Ends of Government truly were.

He told the Lords, That *Tully*, who took it from *Aristotle*, stated the ultimate End of Government, and the Mark which Rulers ought to aim at, to be *Ortum cum Dignitate* †, or Peace with Reputation. That towards attaining that End, he enumerated the several Particulars which the greatest Application and Vigilance of good Governors is requir'd to promote and maintain. And the chief Branches, as he stated them, were Religion ; the just and legal Powers and Rights of the Legislature, and of the Magistrates subordinate to that ; a due Administration of Justice ; the publick Treasure and Credit ; Military Vertue ; and concluded with *Laus Publica* ; which indeed was the Result of a good Administration of the several Branches mention'd. For Praise both at Home and Abroad could never fail to attend good Management. If

---

† *Oratio pro Publio Sextio.*

If then any Man would but reflect on every one of those Particulars, and instance when in any Age a more universally glorious Administration in this Island, he would allow what the Doctor said to be true.

To begin with Religion, any one might look upon that Reverend Bench, and say when it had been ever fill'd with greater Examples of Piety, Learning, and Christian Charity. That truly Christian Moderation, and extensive Zeal and Charity to the Protestant Religion, would in all human Probability, ( if little Animosities did not obstruct it ) raise the Lustre and Reputation of the Church to such a Degree, that, as the Glory of its Arms just intitl'd the Nation at that Time to hold the first Rank, so should the Church be look'd upon as the Mother of all the Reform'd Churches in *Europe*.

As to the just Rights and Powers of the Legislative, their Lordships, and all of them knew, whether ever any Prince on the Throne, had a more tender Concern for them than Her Majesty, or whether at any time there had been a more due and impartial Administration of Justice.

For the Treasure and Credit of the Nation, he appeal'd to all that heard him, whether ever such large Sums had been more chearfully given, or more justly administer'd. There never having been greater Demands than during that necessary War; nor ever Demands more freely comply'd with by the People. Such was the Confidence they had in the publick Management, and so ineffectual that Doctor, and his Brethren's sounding a Trumpet to Sedition.

As for their Arms, and Reputation; the many unparallel'd Successes, during her Majesty's Reign, by Sea and Land, spoke sufficiently, and did sufficiently proclaim, that Her Majesty had far exceeded all Her Predecessors. That the *Henrys* and *Edwards* had justly left behind them Immortal Fame, for having broke, and subdu'd, in their Times, the Power of *France*. And Queen *Elizabeth* would be ever Glorious for having humbled the Pride of *Spain*. That those two great Monarchies had each in their Turn aim'd at the Universal Monarchy of *Europe*, and each had been near compassing it, notwithstanding that the one always oppos'd the other. But it could never be imagined, that if they once became united, any Force in *Europe* could have disputed with them. Yet, they had liv'd to see those two formidable Powers united, and threatening Destruction to all the Liberties of *Europe*. It was a Task reserv'd for Her Majesty to encounter that united Force. She had attack'd, and reduc'd them to sue for Peace; and they were then perhaps at that very decisive Period of Time, when they were to reap the Fruits of a long and expensive War, by the Conclusion of a solid and lasting Peace.

At such a critical Juncture, added the Major-General, at a

Time

Time wh  
on amon  
Alliance  
on of the  
Church a  
Church, t  
done? He  
the greater  
War were  
them to p  
had, to th  
them grou  
tion. An  
one that h  
their Hear  
whether, i  
pyass'd by  
from them  
so odious.  
of Sedition  
vernment  
the Hearts  
Absolute:  
Brethren  
lessen their  
Yet, how  
Men might  
publicly  
ment Divi  
Allegiance  
Commons,  
erties of t  
and it wou  
the Constit  
an Evil.  
Party; no  
Lordships:  
ment in tha  
determine v  
preached.  
in giving J  
Honour of  
the Securit  
Protestant  
Home, and  
that they h  
Notions, th  
with Impun

Time when it behov'd him more than ever to preserve that Union amongst us at Home, upon which the Union of the whole Alliance did so much depend, upon which the happy Conclusion of the War, and consequently the Safety and Honour of the Church and State did depend; what had that Pious Son of the Church, that Loyal Subject, that Passive-Obedience Gentleman done? He was preaching to the City of *London*, from whence the greatest part of the Supplies granted for carrying on the War were to be receiv'd. Had he said one Word more to them to promote, and carry on the Publick Good? No, He had, to the utmost of his Ability, endeavour'd to create in them groundless Mistrusts and Jealousies of the Administration. And Mr. *Stanhope* appeal'd to the Conscience of every one that heard him, and desir'd that laying their Hand upon their Heart, they would truly determine within themselves, whether, if those Citizens who heard that Sermon had been pass'd by it, one Penny of Money could have been expected from them, to support a Government which was represented so odious. But those honest Citizens heard that Trumpeter of Sedition with Indignation. Their Affection to the Government was not to be shaken. Her Majesty was absolute in the Hearts of Her Subjects; which was the best way of being Absolute: And all the artificial Suggestions of those *False Brethren* (to use the Doctor's own Language) would never lessen their Affections to Her.

Yet, how impotent and weak soever the Malice of those Men might prove, when such Doctrines were broach'd, and publicly preach'd, as tended to inflame a free Nation, to foment Divisions and Parties, to seduce the Subjects from their Allegiance to the best of Princes; it became the House of Commons, who were Guardians of the Constitution and Liberties of the People, to bring such Delinquents to Justice; and it would become their Lordships, who were Guardians of the Constitution of the People, to prevent the growing of such an Evil. That Man, he said, was an inconsiderable Tool of a Party; no Ways worth the Trouble they had given their Lordships: But they look'd upon it that their Lordships Judgment in that Case, would be giving a Sanction which should determine what Doctrines of that kind should or should not be preached. They were therefore perswaded that their Lordships in giving Judgment on that Case, would have a Regard to the Honour of the late King and Queen, so highly aspers'd; to the Security of Her Majesty and Her Government; to the Protestant Succession; to the Preservation of the Peace at Home, and Reputation Abroad; where if it should be heard that they had Men, amongst them, insolent enough to vent such notions, they might likewise hear that it had not been done with Impunity. For all those Reasons, they hop'd, That their Lordships



Lordships would inflict such condign Punishment on that Offender, as might deter others from the like Insolence for the future.

So much having been spoken to the first Article, Sir *Peter King* began to make out the Second: That, the Gentlemen who had gone before having finish'd the Article of the Impeachment, by Command of the House of Commons, he proceeded to make out the second, which related to the Toleration, one of the principal Consequences of the Revolution. That it is well known how great Severities had been formerly us'd against Protestant Dissenters, being fomented by Popish Practices, in order to divide the Nation, and thereby weaken the common Protestant Interest, and particularly that of the Church of *England*: Which the whole Church of *England* plainly saw in the Reign of the late King *James*, when Popery was coming in like a Flood, and threatned an universal Ruin; and then they had universally profess'd their Readiness and Intention to show all manner of Tendernefs to other Protestants, when it should be in their Power to do it.

That the seven Bishops, who, to their everlasting Honour made so noble a Stand for the Liberties of the Church and Kingdom, had in their Petition to King *James* declar'd, that their not reading the Declaration for Liberty of Conscience was not from any want of due Tendernefs to the Dissenters, in relation to whom they were willing to come to such a Temper as should be thought fit, when that Matter should be consider'd and settled in Parliament and Convocation.

And to the Glory of the Church of *England*, it ought to be remembred, that when the Revolution was afterwards effected, they had been as good as their Word, and an Act pass'd, in the very first Year of their late Majesties King *William* and *Mary*, Intituled, *An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of England from the Penalties of certain Laws*. And that was the Act commonly call'd, *The Act of Toleration*, and had been confirm'd by another Act made in the succeeding Parliament. As that Act was agreeable in itself to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of *England*, so it had been found by Experience so much for the Honour of the Kingdom, and for the Credit of the Church, that Her Majesty had been pleas'd to declare from the Throne, her Intention inviolably to maintain it, and both Houses of Parliament had done the same in the most solemn Manner.

*The Duke of Buckingham now moving the Lords to adjourn to their own House, they did so; being returned to the Court and Proclamation commanding Silence made;*

The

The  
Common  
And  
Lords,  
mention  
refer'd  
ships, an  
been for  
Her Maje  
Declarati  
That bei  
One, as  
the Welf  
it very i  
that Law  
repute.

That th  
thereto, v  
leration g  
of it unw  
ther, wit  
defended  
Elizabeth  
said Doct  
perfidious  
and that i  
their Ecc  
Benefit of  
any Power

That th  
Part, cont  
firming an  
was unrea  
The rest o  
out of his  
neral Char

As to th  
Article, o  
to be unre  
Answer w  
igent Enq  
Toleration  
Act in the  
tuled, An  
Dissenting  
ertain La  
where mai  
warrantabl

The *Lord-Chancellor* told the Managers for the House of Commons, they might proceed in the Method they were in.

And Sir *Peter King* went on with his Discourse to the Lords, telling them, That the Act of Parliament he was mentioning to them, was the Act relating to the Toleration, referr'd to in the Preamble to the Articles; that their Lordships, and every one else, remember'd the Necessity there had been for that Act, and having experienc'd the Benefit of it, Her Majesty and both Houses of Parliament had concurr'd in a Declaration, that the said Act should be inviolably observ'd: That being then not only a positive Law, but also a beneficial One, as well for the Benefit of the Church in particular, as the Welfare and Support of the Protestant Interest in general, it very ill became any private Person to endeavour to bring that Law, by any publick Discourse, into Contempt or Disrepute.

That the Article the Doctor was charg'd with, in Relation thereto, was, *That he suggested and maintain'd, That the Toleration granted by Law, was unreasonable, and the Allowance of it unwarrantable; and asserted, that he was a False Brother, with Relation to God, Religion, and the Church, who defended Toleration and Liberty of Conscience; that Queen Elizabeth had been deluded by Archbishop Grindall, whom the said Doctor scurrilously call'd a False Son of the Church, and a perfidious Prelate, to the Toleration of the Genevian Discipline; and that it was the Duty of superior Pastors to thunder out their Ecclesiastical Anathemas against Persons intitl'd to the Benefit of the said Toleration, and insolently dar'd and defy'd any Power on Earth to reverse such Sentences.*

That the first Part of that Article, which was the principal Part, contain'd a general Charge against the Doctor, for affirming and maintaining, *That the Toleration granted by Law was unreasonable, and the Allowance of it unwarrantable.* The rest of the Article consisted of particular Passages, taken out of his Sermon, tending to make good and prove that general Charge.

As to the general Charge contain'd in the first part of that Article, of his maintaining the Toleration granted by Law to be unreasonable, and the Allowance of it unwarrantable: His Answer was very observable, and was, That upon the most diligent Enquiry he had not been able to inform himself that a Toleration had been granted by Law; but admitted, that an Act in the first Year of King *William* and Queen *Mary*, Intituled, *An Act for Exempting their Majesties Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws.* Which Exemption, he said, he did not anywhere maintain to be unreasonable, or the Allowance of it unwarrantable; but hop'd that he had prevented any such Misapprehension

apprehension, by declaring, in his Sermon preach'd at St. Pauls, that he intended not to cast the least invidious Reflection upon that Indulgence which the Government had given.

That it was almost difficult to be serious in giving a Reply to that part of his Answer, That he could not inform himself that a Toleration had been granted by Law: It was true, the Word Toleration was not mention'd in that Act, neither was the Word Indulgence to be found in that Law; but every Body knew that the Exemption granted by that Act was commonly call'd *The Toleration*, and the Act it self, *The Toleration Act*: And what was the Intent of that Act, but to tolerate and allow Persons, qualify'd by that Act, to exercise their Religion, notwithstanding Penal Laws to the contrary. That Toleration was really a Word of less Import than Indulgence, it was a bare Permission, and Allowance; and that Word had gain'd such a known and fix'd Notion and Signification in every ones Mind, that whenever it was mention'd, there was not any Doubt what was meant by it: It was then become a Word of Art, that not only in common Conversation, but even in the most publick Acts of State, the Exemption granted by the Act made in the First of King William and Queen Mary was call'd *The Toleration*: Had not Her Majesty, in Her Speech to both Houses of Parliament from the Throne, in the Year 1705, declar'd that she would always inviolably maintain *the Toleration*? Had not both Houses of Parliament, in their several Addressses to Her Majesty for that most gracious Speech, express'd their deep Satisfaction of Her Majesty's Resolution to maintain *the Toleration*? In the free Conferences between the Lords and Commons about the Bill for preventing Occasional Conformity, in the Year 1702, was not that Act of the 1st of William and Mary, call'd *the Act of Toleration*, and the Exemption granted by that Act call'd *the Toleration*? So that it seem'd strange the Doctor should not know that a Toleration had been granted by Law; and it was more strange yet, when he himself, in that very Sermon, call'd the Indulgence granted by that Act, *the Toleration*.

That in the 14th Page of his Sermon, where he was complaining of false Brethren in the Kingdom, who were permitted and suffer'd to combine into Bodies and Seminaries, wherein Atheism, Deism, Trithesim, and Socinianism, and many other wicked Principles were taught; he concluded thus, *Certainly the Toleration was never intended to indulge and cherish such Monsters and Vipours in our Bosom*. Then what was it possible for the Doctor to mean in that place, by the *Toleration* but the Indulgence, as he call'd it, granted to the Dissenters by the Act of 1 Gul. & Mar.

And In the 19th Page of his Sermon, speaking of the Dissenters,

ters, th  
from th  
them, se  
Church  
into its  
Words,  
been gr  
Dissent  
preach'd  
the Indu  
William  
and that  
Common  
reasonab  
was wha  
Yet he  
his Sermon  
by him i  
as if I in  
Indulgen  
I am sure  
to grant  
the full l  
That T  
elf to be  
be esteem  
the Gove  
the Severi  
against th  
ation of  
to be a Co  
those Sev  
which dry  
ther Part  
ne Toleran  
nce of it  
ould end  
his said  
That th  
the roth P  
those C  
nte, alter  
our Chur  
eterodoxy  
nd almost i  
e other,  
agistrate,  
Sir P  
the Cases



ters, the Doctor said, *Now they have advanced, themselves, from the Religious Liberty our gracious Sovereign has indulg'd them, to claim a Civil Right, as they term it, and to juggle the Church out of Her Establishment, by hoisting their Toleration into its Place:* What could he possibly mean here by those Words, but that Toleration, or that Indulgence, which had been granted in the Time of the late King and Queen to the Dissenters? So that it was plain, that when he made, and preach'd, and publish'd that Sermon, he knew very well, that the Indulgence granted by the Law made in the First of King William and Queen Mary, was commonly call'd *the Toleration*; and that Toleration, granted by that Law, was that which the Commons in their Impeachment said, he maintain'd to be unreasonable, and the Allowance of it unwarrantable; and that was what he had been to make out and prove.

Yet he must do the Doctor Justice to own, that Page 20 of his Sermon preach'd at St. Pauls, he us'd these Words, referr'd to by him in his Answer, viz. *I would not here be misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give them, which I am sure all those that wish well to our Church are very ready to grant to Consciences truly scrupulous; let them enjoy it in the full Limits the Law has prescrib'd.*

That The Doctor, by putting in that Caution, seem'd himself to be apprehensive, his Words were otherwise in danger to be esteem'd a Reflection upon that Indulgence or Toleration the Government had given; having just before commended the Severities that were us'd in the Reign of Queen Elizabeth against the Dissenters, which could not be spoken in Commendation of the Toleration, but would reasonably be understood to be a Condemnation of it, because it remov'd and took away those Severities, he then subjoin'd the foremention'd Passage; which dry Caution would not excuse the Doctor, if in the other Parts of his Sermon he did visibly and plainly condemn the Toleration, and Censure it as unreasonable, and the Allowance of it unwarrantable; which that the Doctor did, he should endeavour to prove from other direct and formal Passages in his said Sermon.

That the first Passage he should cite to that purpose was in the 10th Page of the Sermon, and in these Words; *So that, in all those Cases before mention'd, whosoever presumes to innovate, alter, or misrepent any Point in the Articles of the Faith of our Church, ought to be Arraign'd as a Traytor to our State; heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily infering Rebellion and High-Treason in the other, and consequently a Crime that concerns the Civil Magistrate, as much to Punish, and Restrain, as the Ecclesiastical.* Sir Peter said, the beginning of that Passage was tied up to the Cases before-mention'd, so that in all those Cases before-mention'd,

mention'd, which being a term of Relation; must be expounded in Reference to what went before.

Which Passage was contain'd in his second Head of False Brethren, of those who were False Brethren with Relation to the State, Government, or Society of which they were Members; and on Perusal thereof, he did not find any one Article of the Church before-mention'd under that Head, to which those relative Terms did refer; for all that he said before under that Head was, *That the Constitutions of most Governments differing according to their several Frames, and Laws, upon which they were built and founded, it was impossible to lay down any one universal Rule, as the Scheme and Measure of Obedience, that might square to every one of them: Only this Maxim in general he presum'd might be Establish'd for the Safety, Tranquillity and Support of all Governments, That no Innovation whatsoever should be allow'd in the Fundamental Constitution of any State, without a very pressing, nay, unavoible Necessity for it; and whosoever singly or in a private Capacity should attempt it, was Guilty of the highest Misdemeanour, and an Enemy to that Politick Body of which he was a Member.*

And then the Doctor apply'd that Maxim to the English Government, saying, *Our Constitution both in Church and State has been so admirably contriv'd, with that Wisdom, Weight, and Sagacity, and the Temper, and Genius of each so exactly suited, and modell'd to the mutual support and Assistance of one another, that 'tis hard to say, whether the Doctrines of the Church of England contribute more to Authorize and Enforce our Civil Laws, or our Laws to Maintain and Defend the Doctrines of our Church. The Natures of both are so nicely Correspondent, and so happily intermixt, that 'tis almost impossible to offer a Violation to the one, without breaking in upon the Body of the other: So that in all those Cases before-mention'd, whosoever presumes to alter, innovate, or misrepresent any Point in the Articles of the Faith of our Church, ought to be Arraign'd as a Traytor to our State, &c.*

Sir Peter told their Lordships he had read that whole Paragraph to shew, that the Cases said to be before-mention'd, were not contain'd in that Head of the Sermon, but were plainly contain'd in a former Paragraph, viz. In his first Head of False Brethren, with relation to God, Religion, and the Church in which they held Communion; under which Head the Doctor enter'd into a long Description of such kind of False Brethren, and enumerated several Articles and Rites of the Church, the Dissenters or Deniers whereof were term'd False Brethren; and amongst other of his Characters, in p. 8. he branded him for being false to the Interest of the Church, who gave up any point of her Discipline and Worship; those being the external our Fences to guard the Internals of Religion, without which

they w  
should  
Rights  
affirm,  
a novel  
that it  
Bishops  
his own  
false Bro  
cal Insti  
ently wa  
ther the  
Sir Peter  
and tho'  
it was th  
ted, and  
the Six  
of Archb  
and Deac  
contain'd  
ination;  
ous: And  
of the sai  
did never  
But the  
whoever  
the Artic  
as a Trait  
the Tempo  
on, and c  
gave for  
frines of  
erring, R  
quently a  
to Punish  
aid was a  
s, the ho  
Faith of th  
arily infer  
requently a  
ish, as we  
the immedi  
ion at fir  
and Sir Pe  
review, T  
n, in any  
guilty of Hi  
tual Magi

they were left naked, without Beauty, Order, or Defence; and should any Man out of Ignorance, or Prejudice to the Ancient Rights and Essential Constitution of the Catholick Church, affirm, *That the divine Apostolical Institution of Episcopacy was a novel Doctrine, not sufficiently warranted by Scripture, and that it was indifferent whether the Church were Govern'd by Bishops or Presbyters*: Were not such an one an Apostate from his own Orders? So that one of the before-mention'd Cases of false Brotherhood was, the affirming that the divine Apostolical Institution of Episcopacy was a novel Doctrine, not sufficiently warranted by Scripture, and that it was indifferent whether the Church were Govern'd by Bishops or Presbyters. This Sir Peter declar'd was affirm'd and held by all the Dissenters; and tho' they should be mistaken in their Opinions, yet still it was their Opinion, and they were notwithstanding tolerated, and exempted by the Toleration Act from Subscribing the Six and Thirtieth Article, that the Book of Consecration of Archbishops and Bishops, and of the Ordination of Priests and Deacons, set forth in the times of King Edward the Sixth, contain'd in all things necessary to their Consecration and Ordination; and had nothing in it either Superstitious or Impious: And yet notwithstanding that Innovation or Alteration of the said Article of the Church by the Dissenters, the Law did nevertheless Tolerate and Indulge them.

But the Doctor was of another Opinion; and affirm'd, That whoever Innovated, Alter'd, or Misrepresented that Point in the Articles of the Faith of the Church, ought to be Arraign'd as a Traitor to the State, and ought to be punish'd, as well by the Temporal, as the Ecclesiastical Magistrate; for he went on, and carry'd it yet a great deal further, by the Reason he gave for his Assertion, which was, *Heterodoxy in the Doctrine of the one, naturally producing, and almost necessarily incurring, Rebellion and High-Treason in the other; and consequently a Crime that concern'd the Civil Magistrate, as much to Punish and Restrain, as the Ecclesiastical*. This Sir Peter said was an Assertion to the Purpose; that Heterodoxy, that is, the holding a different Opinion from any Article of the Faith of the Church, did naturally produce, and almost necessarily infer Rebellion and High-Treason in the State; and consequently a Crime that concern'd the Civil Magistrate to punish, as well as the Ecclesiastical. Yet the Doctor himself, in the immediate subsequent Words, did own, That this Assertion at first View might look like an high-flown Paradox, and Sir Peter believ'd it would still appear to be so upon a review, That whosoever was of a different, or other Opinion, in any of the Articles of the Faith of the Church, was guilty of High-Treason, and the Temporal, as well as the Spiritual Magistrate, ought to punish him as a Traitor for it. That



the Articles of the Church were in number Thirty nine ; some of the Dissenters were by the Act of Toleration exempted from Subscribing three and a half of them, viz. The 34th Article, relating to the Traditions and Ceremonies of the Church, and the Power of the Church to ordain, change, and abolish Ceremonies and Rites : The 35th Article, concerning the Book of Homilies, and reading of them in Churches : The 36th Article, concerning the Consecration of Archbishops and Bishops, and the Ordination of Priests and Deacons ; and the former Part of the 20th Article, which asserts the Power of the Church to Decree Rights and Ceremonies, and Authority in Controversies of Faith. That other Dissenters, who scrupled the Baptizing of Infants, were also exempted from Subscribing that part of the 27th Article which relates to Infant Baptism ; and the Quakers were exempted from Subscribing any of the Articles, and only requir'd to Subscribe a short Declaration of the Trinity, and that the Scriptures were given by divine Inspiration. That all those several sorts of Dissenters, notwithstanding their Heterodoxy in those Points, were exempted by the Toleration Act from the Penalties of the former Laws, and were by that Act preserv'd in the free Exercise of their Religion or Worship ; and not only the Penalties inflicted on them by former Laws were taken away, but several Immunities and Privileges given them, as an Exemption of their Teachers from Parish Offices, and a Penalty for disturbing their Congregations : When so much was Establish'd by a Law, and that Act of Toleration in full force, for the Doctor nevertheless to affirm, that Heterodoxy, or a different Opinion from any of the Articles of Faith of the Church, almost necessarily inferr'd Rebellion and High-Treason in the State, and was a Crime that concern'd the Civil Magistrate to punish, as well as the Ecclesiastical ; what could be a more direct breaking in upon, and disavowing of the Toleration than that ? Was it to maintain the Toleration granted by Law to be unreasonable and the Allowance of it unwarrantable ?

That another Passage that he should cite to prove the general Charge against the Doctor, was in the 16th and 17th Pages of the Sermon, *What could not be gain'd by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity ; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish.* *The Church can't be pull'd down, it may be blown up ; and in this matter with these Men how tis destroy'd, so that it is destroy'd.* Where the Doctor was speaking of the great Mischief and Perils of his false Brethren to the Church, and to prevent any mistaken Notions of the Church, he intimated that the true genuine Notion of it was to be understood, as it appears contradistinguish'd in its Establish'd Doctrine, Discipline and

Worship

Worship  
would  
Nationa  
dy as tru  
rogenous  
tory, and  
thence ha  
tion had  
Ecclesiast  
But since  
and these  
the Church  
the Conv  
And how  
Compre  
Moderatio  
not do by  
to accompl  
ension and  
ormity an  
tis destroy  
n, When  
ence to th  
ho' the C  
ation ? H  
Majesties K  
ishops, th  
that the T  
rejudicial  
therefore fo  
pull down  
the Church  
asonable,  
He told th  
em, did pr  
ere other  
the Article,  
which he sh  
The next  
that he asse  
od, Religio  
berty of C  
Which W  
the 8th Page  
rib'd his fa  
ese Words  
both in p  
science an  
ak to 'em j

Worship, from all other Churches and Schismaticks, who would obtrude upon the World a wild Negative Idea of a National Church, so as to incorporate themselves into the Body as true Members of it; whereas that Latitudinarian Heterogenous Mixture would render it the most absurd, contradictory, and self-inconsistent Body in the World: And from thence he proceeded to show that the Design of a Comprehension had miscarry'd, and the long projected Scheme of the Ecclesiastical *Achitophel's* been blasted; and added these Words, *But since this Model of universal Liberty and Coalition fail'd, and these false Brethren could not carry the Conventicle into the Church, they are now resolv'd to bring the Church into the Conventicle, which will plausibly and sily effect her Ruin.* And how is that to be done? Why, *What could not be gain'd by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish; if the Church can't be pull'd down by Comprehension and Toleration, it may be blown up by Occasional Conformity and Moderation; and no matter with these Men how 'tis destroy'd, so that 'tis destroy'd.* Sir Peter puts the Question, Whether this be not calling the Toleration an open Violence to the Church? An Attempt made to destroy the Church, tho' the Church it self came into, and settled that Toleration? He said, the Legislature in the time of their late Majesties King *William* and Queen *Mary*, and particularly the Bishops, the Fathers of the Church, were very well satisfy'd that the Toleration granted to the Dissenters, was no way prejudicial to the Safety and Security of the Church. And therefore for the Doctor to say, that Toleration was intended to pull down the Church, and that it was an open Violence to the Church, was to maintain, that the Toleration was unreasonable, and the Allowance of it unwarrantable?

He told their Lordships, That those Passages he had cited to them, did prove the general Charge of that Article: But there were other Passages in the Sermon, particularly refer'd to in the Article, which likewise prov'd that general Charge, to which he should next proceed. And,

The next part of the Charge in the second Article was, that he asserted, that he was a false Brother with relation to God, Religion, or the Church, who defended Toleration and Liberty of Conscience.

Which Words were contain'd in so many exprefs Terms in the 8th Page of his Sermon, where after he had copiously described his false Brethren, he came to sum up the whole in these Words; *If upon all Occasions to comply with the Dissenters both in publick and private Affairs, as Persons of tender Conscience and Piety, to promote their Interests in Elections, to speak to 'em for Places and Preferment, to defend Toleration,*

and Liberty of Conscience, and under the Pretence of Moderation to excuse their Separation, and lay the Fault upon the true Sons of the Church for carrying Matters too high ; If to Court the Fanaticks in private, and to hear them with Patience, if not Approbation, Rail at and Blaspheme the Church, and upon Occasion to justify the King's Murder ; If to Flatter both the Dead and the Living in their Vices, and to tell the World, that if they have Wit and Money enough, they need no Repentance, and that only Fools and Beggars can be Damn'd ; If these, I say, are the modish and fashionable Criterions of a true Church-Man, God deliver us all from such false Brethren !

Thus one Mark of those false Brethren, in that Part of his Sermon, was to defend Toleration and Liberty of Conscience. As to which the Doctor had given two Answers, one by way of Inference or Presumption, and the other Direct : That by way of Inference was, *That he having so plainly declar'd himself in favour of the Exemption granted by Law, when he blam'd those who upon all Occasions defended Toleration and Liberty of Conscience, he could not be thought to reflect on the Defenders of that legal Exemption or Indulgence, which he himself approv'd and defended.*

If he had not in other Parts of his Sermon condemn'd the Toleration expressly, that might have pass'd for an Answer ; but if the Doctor had more than once in other Parts of his Sermon directly inveigh'd against that Toleration, then his Meaning was more naturally to be understood by so many several Passages, than by one single Sentence, and with what View thrown in, the Reading of the Sermon would plainly shew ; and therefore the true Way to come at the true Meaning of his Words, was to take them as they stood in his Sermon, and that was what their Lordships would judge by. In the next place he gave a direct Answer to that Part of the Charge, which was, that he did not mean by that Description of a false Brother, those who only defended Toleration and Liberty of Conscience, and do no more, but he only blam'd those who upon all Occasions defended Toleration and Liberty of Conscience, and, to excuse their Separation, lay the Fault upon the true Sons of the Church for carrying Matters so high ; so that I don't reckon him, said he, as a false Brother who barely defends Toleration and Liberty of Conscience, except that at the same time that he is defending Toleration, he lays the Fault of the Separation upon the true Sons of the Church for carrying Matters too high. Sir Peter said He submitted to their Lordships, upon reading of that Passage whether it was capable of such an Interpretation : Which look'd into, it would appear that the several particular Characters there mention'd were all of them so many particular Marks of a false Brother ; for it was not necessary two,

three, or  
make up  
them we  
size him  
those A  
false Bro  
no be a M  
against t  
That t  
was for :  
Archbis  
the Chur  
Genevian  
on the W  
these : H  
in this Ki  
Church, I  
Demands  
Queen El  
to the Tol  
headstrong  
forefaw it  
archy ; a  
for both,  
factions P  
till they n  
ests, she di  
Years sat  
That as  
Elizabeth  
cipline by  
be humbly  
and Monun  
ther he ba  
tion to be  
Exempting  
England, f  
At made i  
Queen Mar  
the legal In  
tion'd in t  
granted by  
the Allowan  
Sir Peter  
Mistakes in  
not be then  
agree with  
upon, wher



three, or all of them should meet together in one Person to make up the Character of a false Brother; but if any one of them were found in any Person, 'twas sufficient to Characterize him a false Brother: Whoever was guilty of any one of those Acts, of which defending Toleration was one, was a false Brother; and his asserting the Defending of Toleration to be a Mark of a false Brother, was an evident Declaration against the Justice and Expediency of the Toleration.

That the next particular Charge upon him in that Article was for asserting, *That Queen Elizabeth had been deluded by Archbishop Grindall, whom he scurrilously call'd a false Son of the Church, and a perfidious Prelate to the Toleration of the Genevian Discipline.* Which Charge upon him was founded on the Words of his Sermon, in the 19th Page; which are these: *Have they not, ever since their first unhappy Plantation in this Kingdom, by the Intercession of that false Son of the Church, Bishop Grindall, always improv'd, and rise upon their Demands in the Permission of the Government? Insomuch that Queen Elizabeth, who was deluded by that perfidious Prelate to the Toleration of the Genevian Discipline, found it such an headstrong and encroaching Monster, that in eight Years She foresaw it would endanger the Monarchy, as well as the Hierarchy; and like a Queen of true Resolution, and pious Zeal for both, pronounc'd, That such were the restless Spirits of that factious People, that no Quiet was to be expected from them, till they were utterly suppress'd: Which, like a prudent Princess, she did by wholesome Severities, that the Crown for many Years sat Easie and Flourishing on her Head.*

That as to the Part of his Charge where he said, *That Queen Elizabeth was deluded to the Toleration of the Genevian Discipline by Archbishop Grindall, the Doctor answer'd. ; That he humbly conceiv'd he had good Authority from the Histories and Monuments of those Times for such Assertion; but whether he had, or had not, he humbly apprehended such Assertion to be no Proof of his Maintaining or Suggesting, That the Exempting of Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws, granted by an Act made in the first Year of the Reign of King William and Queen Mary, (which Exemption he suppos'd to be intended by the legal Indulgence, or Toleration granted to Dissenters, mention'd in the Preamble of the Articles, and by the Toleration granted by Law mention'd in the Second) was unreasonable, or the Allowance of it unwarrantable.*

Sir Peter thought it not difficult to shew that there are some Mistakes in that Fact, but whether there were or no, would not be then worth spending their Lordships Time; for he did agree with him, That the material Point was what he put it upon, whether that Assertion, as printed and deliver'd by him

in his Sermon, were a Censure or Condemnation of the Toleration Act. And whether it were so or no, would appear by taking the whole Clause together. That Passage was in the 19th and 20th Pages, and in that part of his Sermon where he was shewing the great Perils and Mischiefs of his False Brethren to the State, and that they were Destructive to the civil Rights and Liberties; and in the pursuit of his Argument he plainly shew'd that the False Brethren there meant were the Dissenters, who had been Tolerated by that Act of Parliament. His Words were, *These False Brethren, have now advanc'd themselves from the Religious Liberty, our Gracious Sovereign has indulg'd them, to claim a Civil Right, and to Jusle the Church out of her Establishment, by boisting their Toleration into its Place.* So that 'twas plain, those False Brethren there spoken of, were the Dissenters, those who have the Benefit of the Toleration Act. And then he went on; *And to convince us what alone will satisfie them, insolently demand the Repeal of the Corporation and Test Acts, as an Ecclesiastical Usurpation, which indeed under her Majesty (whom God long preserve for its Support and Comfort) is the only Security the Church has to depend upon; and which they have so far eluded by their abominable Hypocrisie, as to have undermined her Foundations, and endanger the Government, by filling it with its profess'd Enemies.* These Charges are so flagrant and undeniable, that a Man must be very weak, or something worse, that thinks or pretends the Dissenters are to be gain'd or won over by any other Grants and Indulgences, than by giving up our whole Constitution: And he that recedes the least Tittle from it, to satisfie or Ingratiate with these Clamorous, Insatiable and Church-devouring Malignants, knows not what Spirit they are of, or be ought to shew who is a true Member of our Church.

He said, he had read those Passages to their Lordships, to shew that those False Brethren there spoken of, were the Dissenters, then Tolerated by the Law granted to them in the time of their late Majesties King William and Queen Mary; and of those Dissenters follow'd that Passage: *Have they not ever since their first unhappy Plantation in this Kingdom, by the Intercession of that False Son of the Church, Bishop Grindall, always improv'd, and rise upon their Demands in the Permission of the Government? Insomuch, that Queen Elizabeth, that was deluded by that perfidious Prelate to the Toleration of the Genevian Discipline, (that is the Discipline and Polity of the Dissenters, so call'd because brought from Geneva) found it such a Headstrong and Encroaching Monster, that in eight Years she foresaw it would endanger the Monarchy, as well as the Hierarchy; and, like a Queen of true Resolution and pious Zeal for both, pronounc'd, That such were the restless Spirits of that Factions People, that no Quiet was to be expected from them*

will they  
she did by  
sat East

In this  
Doctor h  
the Churc  
a Tolerat  
were true  
but this w  
and for w  
fidious Pr  
Dissenters  
Toleration  
consenting  
in Effect, b  
were in t  
That the L  
were not a  
were for T  
Sons of th  
That the  
design'd fo  
bear more  
Elizabeth  
Zeal for t  
Quiet was  
ous People,  
dent Prince  
Crown for  
And what  
Governmen  
prevailent  
olution an  
the Dissent  
Legillature  
be said mor  
mend the S  
they were  
quence to  
Queen. T  
ation, he  
those had b  
Reign of th  
But to g  
come Heret  
had their G  
ad to men  
that could n

*'till they were utterly suppress'd; which, like a prudent Princess, she did by Wholesome Severities, that the Crown for many Years sat Easie and Flourishing on her Head.*

In this memorable Passage Sir Peter told the Lords, the Doctor had represented Archbishop Grindall as a False Son of the Church, and a perfidious Prelate, for deluding the Queen into a Toleration of the *Genevian* Discipline. Whether that Fact were true, or not, he said, was not material to their Purpose; but this was, that he charg'd it as a Fault on the Archbishop, and for which he call'd him a False Son of the Church, and a perfidious Prelate, for inducing the Queen to give a Toleration to the Dissenters in those Days: That the Fault was not, its being a Toleration only, but the Fault was in the Toleration it self, in consenting to a Liberty to the Dissenters. Now what was this in Effect, but to Preach to the whole World, That the Parliament were in the wrong to grant a Toleration to the Dissenters; That the Lords and Commons, who consented to the Toleration, were not true Sons of the Church; And that the Bishops, who were for Tolrating the Dissenters, were neither Fathers nor Sons of the Church, but corrupt and perfidious Prelates?

That the said Character of Archbishop Grindall had been design'd for a Censure of the present Toleration, as would appear more fully by the contrary Character he gave of Queen Elizabeth; where he commended *Her Resolution and pious Zeal for the Monarchy and Hierarchie, in declaring that no Quiet was to be expected from the restless Spirits of that Factious People, 'till they were utterly suppress'd; which, like a prudent Princess, she did by such Wholesome Severities, that the Crown for many Years sat Easie and Flourishing on her Head.* And what could the *English* of all that be, but to inflame the Government against the Dissenters? What could be said more prevalent for that purpose, than to recommend it as a noble Resolution and pious Zeal in Queen Elizabeth, utterly to Suppress the Dissenters? And if that Resolution were to be followed, the Legislature ought to Repeal the Toleration Act; and what could be said more contrary to the Toleration Act, than to recommend the Severities us'd in Queen Elizabeth's Reign, because they were Wholesome in themselves, and of happy Consequence to the Person and Government of that Renowned Queen. That if there were not a Necessity for it on that Occasion, he would not mention what Wholesome Severities those had been, but rather cast a Veil over that Part of the Reign of that Great and Glorious Queen.

But to give a short View of those Wholesome Severities; some Hereticks had been burnt, other Persons hang'd, some had their Goods Confiscated, others their Persons imprison'd; and to mention more particularly a publick Act in Writing that could not be falsified or misrepresented, and which had



been since relax'd by the Toleration Act, an Act had pass'd in the 35th Year of Queen *Elizabeth*, Intituled, *An Act to retain the Queen's Majesty's Subjects in their due Obedience*; by which the Dissenters were among other Penalties, to Abjure the Realm in Forty Days, or suffer Death without Benefit of the Clergy.

That the said Penalty of Abjuration of the Realm had been taken from the ancient Common Law of *England* in relation to Felony, by which if a Man committed any Felony, excepting Sacrilege, and fled to a Parish Church, he might within forty Days before the Coroner confess the Felony, and take an Oath to Abjure the Kingdom for ever; and if he so confess'd and took that Oath, he was thereby Attainted of the Felony, and then he had forty Days from the coming of the Coroner to prepare for his Voyage, and the Coroner assign'd him such a Port as he chose for his Departure out of the Kingdom, and if he did not go straitway out of the Kingdom, or being gone out did return without License, he had Judgment to be Hang'd, except he was a Clerk, and then he had his Clergy.

This being the Practice the Law call'd Abjuration, and by several Regulations in the Time of *Henry the Eighth* in effect taken away, the Revival of which Practice had been thought a Wholesome Severity, fit to be inflicted on the Protestant Dissenters of those Times, and therefore the 35th of Queen *Elizabeth* did Enact, That if any Person obstinately should refuse to repair to some Church or Chappel, or usual Place of Common-Prayers, and forbear by the space of a Month to hear Divine Service, and should after forty Days from the End of that Session of Parliament willingly be present at any Conventicle or Meeting, under pretence of Religion, contrary to the Laws and Statutes of the Realm, that then such Person should be committed to Prison 'till he should conform and come to Church; and if within three Months after Conviction he should not conform and come to Church, and make his publick Confession and Submission, being thereunto requir'd according to the Form of the said Act, that then such Offender should Abjure the Realm; and if being requir'd, he should refuse to make such Abjuration, or should not depart the Realm, within the Time appointed after such Abjuration made, or should return without the Queen's Licence, after such Departure then, in every such Case, every Person so offending should be a Felon without Benefit of Clergy. So that the Abjuration inflicted on Protestant Dissenters by that Act, was worse than Abjuration for Felony at the Common Law; in that the latter had the Benefit of Clergy, and the former had not.

This he said was one of the Severities of Queen *Elizabeth's* Reign, and whether it were a Wholesome Severity or not, humane Nature would determine; but however Wholesome

it might  
the Pow  
in expres  
and the  
Protestan  
35th of

That  
tion, for  
bishop a  
for being  
the same  
of Queen  
press the  
Severitie  
her Pers  
against t  
Act exem  
ties infli  
mending  
any Pers  
claration

That t  
in that  
call'd A  
perfidio  
tion of t  
stractedl  
necessary  
ceiv'd, t  
hundred  
tion of  
Whether  
tice at th  
of the C  
the Tole  
ing the  
Archbish  
en'd his  
those Pec

He wa  
the Mem  
he had  
which w  
casion of  
mitting  
Innovati  
the same  
done not

it might have been esteem'd in those Days by those who had the Power and Will to Punish others, yet the Legislature had, in exprefs Terms declar'd it Unwholesome for these Times, and the Toleration Act did exprelly and by name exempt the Protestant Dissenters from the Penalties of that Act of the 35th of Queen *Elizabeth*.

That when the Toleration Act had granted such Exemption, for the Doctor to come and publickly represent an Archbishop as a False Son of the Church, and a perfidious Prelate, for being for the Toleration of Dissenters in his Time, and at the same Time to recommend the Resolution and pious Zeal of Queen *Elizabeth*, for declaring that she would utterly Suppress them, and her great Prudence in exercising Wholesome Severities against them, which were of happy Consequence to her Person and Government; What could have been said more against the Toleration Act, than that was? The Toleration Act exempting the Dissenters from the Penalties and Severities inflicted in Queen *Elizabeth's* Reign; the Doctor recommending them all again, as wholesome and necessary. Whence any Person might judge whether that were not an Exprefs Declaration against the Toleration Act.

That there was yet one thing more charg'd upon the Doctor in that Part of the Second Article, viz. That he scurrilously call'd Archbishop *Grindall* a False Son of the Church, and a perfidious Prelate, for deluding Queen *Elizabeth* to the Toleration of the *Genevian* Discipline. Whether that consider'd abstractedly by it self, were in Law a Crime, or not, was not necessary for him there to examine. The Doctor indeed conceiv'd, that no Words spoken of an Archbishop, above one hundred and twenty Years since deceas'd, would in Construction of Law amount to an High Crime and Misdemeanor: Whether it were so or not, in himself, he should not take Notice at that Time; because he only took it as an Aggravation of the Crime charg'd upon him, and to shew his Zeal against the Toleration; that he had not been contented with Censuring the Toleration it self, but had rak'd into the Ashes of an Archbishop, that had been in his Grave 120 Years, and blacken'd his Memory because he had been for the Toleration of those People, who were then by Law tolerated.

He was willing on that Occasion to say a Word or two to the Memory of that Archbishop; Of whom the Doctor said, he had been under the Displeasure of Queen *Elizabeth*; which was very true; and the said Doctor pretended the Occasion of his being under her Displeasure, had been for permitting Innovations to be obtruded upon the Church; those Innovations being no other than what several other Bishops at the same Time, likewise practis'd, and some Bishops since had done not much unlike; it had been for encouraging the Meetings

tings and Exercifings in thofe Days call'd Prophefings, which were Meetings of the Clergy to improve one another in the Knowledge of the Scriptures, and tended to make a Learned and Industrious Clergy. This had been represented to the Queen, and prov'd the vifible Cause of his Difgrace: But the true Reafon of his Difgrace, as Historians faid, fprung from the Hatred of the Earl of *Leicefter*, who was then in great Power and Credit with the Queen, and her great Favourite. The faid Earl of *Leicefter* had caft a Covetous Eye upon *Lambeth-Houfe*, and would have had the Archbishop to have aliened it, but he would not comply with him; which according to the Historian, made the *Leicefterian* Party to Malice him. The Earl had been likewise provok'd and incens'd againft him for another Reafon, *viz.* for profecuting one *Julio*, a Phyfician of the Earl's, an *Italian* Phyfician, for having two Wives one of which was the Wife of another Man, with whom he liv'd in Adultery; and for thofe two Offences againft the Earl of *Leicefter*, who then bore a mighty Power at Court with the Queen, that Storm was rais'd againft him: But, that, for his Life and Doctrine, the Archbishop was one of the moft pious, learned and confiderable Prelates of that Time: Yet it was very true he was one of thofe Bifhops, that look'd upon the Exercifes us'd in thofe Times by the Clergy, call'd Prophefings, as very neceffary for their Improvement, and for the Benefit of the Church; and fome of the beft Bifhops of thofe Times had been of the fame Opinion. That he was a Man of a moft exemplary Life, and Converfation, free from the Suspicion of a Crime. Had in his younger Days been Chaplain, with *Rogers* and *Bradford*, to *Ridley* Bifhop of *London*, who had given this Character of him, That he was known to be a Man of Virtue, Honesty, Difcretion, Wifdom and Learning. That in the Persecution under Queen *Mary*, when his Master and Fellow-Chaplains were burnt for Religion, he became an Exile on the fame Account, having quitted his Eafe, Preferments, and Hopes at Home, to enjoy the Liberty of his Confcience in a Foreign Country, and repair'd to *Strasburg*; and when the Troubles begun at *Francfort*, about the Ufe of the *Englifh* Service, where the Foundations of the Divifions that have fince divided and rent the Church were laid, he was fo far from difliking the *Englifh* Method as to go from *Strasburgh* to *Francfort* to encourage and perfuade the Congregation there to fubmit to the *Englifh* Eftablifhment, and had ftuck clofe to it himfelf all his Life-time: That at his coming home, in the beginning of the Reign of Queen *Elizabeth*, he was very Instrumental, in preparing the Liturgy and Book of Common-Prayer; and the firft Time the *Englifh* Service Book was introduc'd at *St. Pauls* in *London*, the Privy-Council and great Officers of State, for the greater Solemnity, came to *St. Pauls*, and *Grindall* was appointed

appointed  
Occafion  
Queen *E*  
bifhop o  
by the E  
Displeas  
even wh  
number  
tition in  
Her Ma  
only from  
that he  
tion of P  
Righteou  
for the C  
bly befou  
ftore the  
Church,  
and in a  
of the C  
was unde  
Reafon t  
Church,  
trary, th  
Virtue, P  
The la  
That it w  
Ecclefiast  
fit of the  
Power on  
To wh  
tuled to r  
on'd or in  
be determ  
Connectio  
Schismatic  
er, and  
ment.  
If it w  
ous Perfo  
in a clear  
tious Perfo  
vanc'd To  
it was pla  
Sermon, t  
the Benefi  
which we  
If our



appointed to preach to that great Audience upon that solemn Occasion: That was one of the first five Bishops made by Queen Elizabeth, and first Bishop of London, afterwards Archbishop of York, and lastly of Canterbury; and when afterwards by the Earl of Leicester's Artifice, he was under the Queen's Displeasure, yet he had so great an Interest in the Clergy, that even whilst he was under Disgrace at Court, a considerable number of the Convocation, then met, presented an elegant Petition in Latin to the Queen to restore him, representing to Her Majesty, that the Archbishop had led a Life free, not only from all Crime, but even from the Suspicion of a Crime; that he had preserv'd his Religion, not only from all Corruption of Popery, but of Schism, and had suffer'd Persecution for Righteousness sake, having wandred abroad in other Countries for the Cause of the Gospel; and wherefore they most humbly besought Her Majesty, not only to lift him up, but to restore the Church to the Archbishop, and the Archbishop to the Church, to her Subjects, to his Brethren, to foreign Nations, and in a word, to all pious People. Such were the Thoughts of the Clergy of the Archbishop at that Time, even when he was under the Displeasure of the Queen, so that there was no Reason for the Doctor to asperse him as a False Son of the Church, or a perfidious Prelate, since it appear'd on the contrary, that he had been a Man universally esteem'd for his Virtue, Piety and Learning.

The last Charge of that Article, he said, was his Asserting, *That it was the Duty of Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons Intituled to the Benefit of the Toleration; and insolently daring or defying any Power on Earth to reverse such Sentences.*

To which the Doctor had answer'd, *That the Persons intituled to the Benefit of the Toleration were not by him mention'd or intended; but if those Expressions in his Sermon must be determin'd to any one sort of Persons, he conceiv'd that the Connection of his Discourse would determine them to those Schismatical and Factious Persons who took Permission for Power, and advanc'd Toleration immediately into an Establishment.*

If it were so, that he meant those Schismatical and Factious Persons, the next Question, which would set that Matter in a clear Light, would be, who those Schismatical and Factious Persons were, who took Permission for Power, and advanc'd Toleration immediately into an Establishment; and it was plain from the Passage it self, being in Page 25 of the Sermon, that he meant the Dissenters, who were intituled to the Benefit of the Toleration, as appear'd by his own Words; which were,

*If our Dissenters had liv'd in the Times of St. Paul, they would*

would have branded him as an intemperate, hot, furious Zealot; that wanted to be sweetn'd by the gentle Spirit of Charity and Moderation forsooth; Schism and Faction are things of Impudent and Incredulous Natures, they thrive upon Concessions, take Permission for Power, and advance a Toleration immediately into an Establishment, and are therefore to be treated like growing Mischiefs, or infectious Plagues, kept at a distance, lest their deadly Contagion spread: Let us therefore have no Fellowship with those Works of Darknes, but rather reprove them; let our Superior Pastors do their Duty in thundering out their Ecclesiastical Anathema's, and let any Power on Earth dare Reverse a Sentence ratified in Heaven. All which the Doctor did in the following part of his Answer, in effect own; for he said.

As to the last Part of the second Article, charging the Doctor with insolently daring or defying any Power on Earth to Reverse the Ecclesiastical Sentences therein mention'd: The said Doctor had answer'd, that the Sentences which he dar'd any Power on Earth to Reverse, were such, and such only, as had been ratify'd in Heaven, and such Sentences he still affirm'd to be by any earthly Power irreverfible; and hoped it would not be thought Insolence in him to affirm what he conceived would be Blasphemy in any one to deny; and did further acknowledge himself firmly to believe, that some Sentences Pronounc'd by the Pastors of the Church were ratify'd in Heaven; and that some Persons exempted from Punishment by the particular Laws of the Land, might yet by the Laws of Christ be justly liable to such Sentence; and that Schism, or a causeless Separation from a Church injoining no sinful Terms of Communion, was a Sin, which expos'd the Person guilty thereof to the Censures of the Church.

Therefore the House of Commons had charg'd the Doctor with Insolence, in daring or defying any Power on Earth to Reverse the Ecclesiastical Sentences mention'd in his Sermon, and he by Insinuation had retorted upon them the Charge of Blasphemy: Which the House of Commons thought they had reason to resent, and to call upon their Lordships for immediate Punishment of him for treating them in that manner; but they left it to their Lordships, in what manner they would think fit to do them Justice, in vindicating them against such a Charge. But as to that Passage then before them, he affirm'd, that some Sentences pronounc'd by the Pastors of the Church were ratify'd in Heaven; that some Persons exempted from Punishment by the Laws of the Land, might yet by the Laws of Christ be liable to such Sentence; and that Schism, or a causeless Separation from a Church injoining no sinful Terms of Communion, was a Sin, which expos'd the Person guilty thereof to the Censures of the Church. Then what was that but to say

The

The Dis  
impos'd  
Schism;  
Punishm  
pos'd to  
dicted, v  
the Law  
clestiaftic  
their An  
dare to m  
of the Ch  
thought  
occasion  
England,  
by the C  
Suprema  
all Person  
Parliame  
Crown,  
Augment  
been Ow  
Earth of  
Supreme  
municati  
ing to th  
of Justice  
and Pow  
were Exc  
and woul  
communi  
the Chur  
and the  
which S  
pretend  
which b  
they wer  
Westminst  
compel th  
that notw  
for not c  
Court by  
order to  
Judge fr  
Courts of  
ding; an  
annul the  
Then for  
rated by

The Dissenters causelessly Separating from the Church, which impos'd no sinful Terms of Communion, were guilty of Schism; tho' the Law of the Land had exempted them from Punishment for that Schism, yet for that Sin they were expos'd to the Censures of the Church; those Censures, when inflicted, were ratify'd in Heaven; therefore, notwithstanding the Law of the Land had given them that Exemption, the Ecclesiastical Superiors were to do their Duty in thundering out their Anathema's against them, and let any Power upon Earth dare to reverse their Sentences if they can. As to the Power of the Church in Censuring or Excommunicating, Sir *Peter King* thought it not necessary for him to say any thing of it upon that occasion: But the Doctor was a Minister of the Church of *England*, who had submitted to the Queen's Supremacy, and by the Canon was bound to maintain and preach the Queen's Supremacy; Her Majesty was Supreme over all Causes, and over all Persons as well Ecclesiastical as Civil; and by an Act of Parliament made since Her Majesty's happy Accession to the Crown, viz. the Act relating to Her Majesty's Bounty for the Augmentation of the Maintenance of the poor Clergy, she had been Owned and Recogniz'd to be the only Supreme Head on Earth of the Church of *England*; Her Majesty had by Law a Supreme controlling Power over all the Censures and Excommunications of the Church; that Power she Exercis'd according to the Rules of Law, by her several Officers and Ministers of Justice. The exercise of the Churches Censures, Jurisdiction and Power ought to be according to Law; and if any Person were Excommunicated against Law, the Queen's Courts might and would Command the Ecclesiastical Judge to assail such Excommunicated Person, and restore him to the Communion of the Church again: That being the Supremacy of the Queen, and the Doctrine of the Church of *England*; by Vertue of which Supremacy, if any Judge of the Spiritual Court should pretend to excommunicate any of the Dissenters for any thing which by Law they were not oblig'd to do, or which by Law they were excus'd, or exempted from, the Courts of Justice in *Westminster-Hall* would in such Case award a Prohibition, and compel the Ecclesiastical Judge to absolve him. As supposing that notwithstanding the Toleration Act, a Dissenter should for not coming to the Church, be sentenc'd in the Spiritual Court by the Judge there, or be proceeded against there, in order to an Excommunication; a Prohibition would lie to that Judge from the Queens Court's upon the said Act, and the Courts of Common-Law would prevent him from such Proceeding; and if Sentence were past, would compel the Judge to annul the Excommunication, and receive the Party again. Then for the Doctor say, That tho' the Dissenters were tolerated by that Act of Parliament, and tho' they were exempted by



by Law from Penalties, yet let the Law of the Land be what it would, the Ecclesiastical Pastors might do their Duty, fulminate their Excommunications, and thunder out their *Anathemas*, and then let the Civil Magistrate, the Earthly Powers, dare to reverse them, if they could. This Sir Peter submitted to their Lordships, whether it was not directly impugning the Queen's Supremacy, as well as weakening and censuring the Toleration, which was what he had been charg'd with in that Article.

But he would not take up more of their Lordships Time; there being other Gentlemen to come after him who would abundantly supply his Defects, and offer to their Lordships some farther Considerations to make out the Charge contain'd in the second Article.

After Sir Peter King's long Discourse the Lord William Paulet, in short, told the Lords, That the Charge against the Doctor in that second Article was a Crime of a very heinous Nature: It having always been esteem'd one of the happy Consequences of the late Revolution, that Her Majesty's Protestant Subjects, by a legal Indulgence granted to Dissenters, were united in Interest and Affection, in the Defence of Her Majesty's sacred Person and Government.

That it was too well known, how in former times, when Popery had almost prevail'd in the Ruin of the State and Church, the Protestants of the Kingdom had been, by the Artifice of Papists, set against each other, that by such Divisions Popish Tyranny might be establish'd in the Nation.

That the Act of Parliament pass'd in the first Year of the Reign of their late Majesties King William and Queen Mary, to exempt Protestant Dissenters from the Penalties of certain Laws, had been made to defeat any such future Attempts of the Papists; the Preamble of the Act declaring, that *some Ease to scrupulous Consciences, in the Exercise of Religion, might be an effectual Means to unite Her Majesty's Protestant Subjects in Interest and Affection.*

That the good Effects of the Wisdom of the Legislature in making that Act had been seen. Her Majesty's Protestant Subjects being then all easie under Her Administration; and how many Dissenters since the Toleration were become sincere Converts to the Church. Besides he might say, that by the Toleration the Prejudices of the Dissenters wore off, and their Number daily decreas'd.

And yet with what odious Colours, and Language becoming a Divine, had the Doctor painted out that Toleration, and how factiously had he endeavour'd to excite and stir up People against it?

The Doctor's Answer being but a poor Shift, that he knew

of no To  
swer he  
ment ha  
Word In  
the Wor  
Parliame  
of Justice  
and freq  
Lordships  
gainst O  
lish'd and

That v  
himself t  
seem'd to  
rity of t  
the comin  
to own th  
they disor  
Reformat

And H  
declare S  
Resolutio  
united all  
to Her.

That th  
ways affi  
there coul  
bare-fac'd  
Kingdom,  
ships woul  
a Crime,  
effectual D  
and seditio

Next, A  
thought it  
which mig  
Toleration  
from the  
that Indulg  
Men profes  
And wh  
onable, an  
cessarily to  
y's Subject  
e-assum'd;  
what was  
And ther

of no Toleration granted by Law ; and yet in the same Answer he own'd there was an Indulgence which the Government had condescended to give Dissenters. Whereas the Word *Indulgence* was no more in the Act of Parliament than the Word *Toleration* ; and it was well known that the Act of Parliament he alluded to was every where, not only in Courts of Justice, but even in Parliament, call'd *The Toleration Act* ; and frequently by their Lordships, in the Account of their Lordships Proceedings in Parliament in relation to the Bill against *Occasional Conformity*, which Account had been Publish'd and Printed by their Lordships Order.

That when the Doctor said, He had not been able to inform himself that a Toleration had been granted by Law, it plainly seem'd to import, as if the Doctor had doubted of the Authority of the Parliament that made that Law ; it look'd like the common Sophistry of Papists and Jesuits, who pretended to own the Church of *England* as by Law establish'd ; because they disown'd the Authority of all the Laws made since the Reformation.

And Her Majesty having always been pleas'd graciously to declare She would defend that Toleration. Her said gracious Resolution had, among the innumerable Blessings of Her Reign, united all Her Protestant Subjects in their Loyalty and Duty to Her.

That the Commons were assur'd their Lordships would always assist those gracious Purposes of Her Majesty ; and as there could hardly be any Instance given of so seditious and bare-fac'd an Attempt against the Peace and Quiet of the Kingdom, as the Doctor had been guilty of, so their Lordships would, by an exemplary Punishment suitable to so high a Crime, vindicate the Authority of Parliament, and give an effectual Discouragement for the future, to all such turbulent and seditious Preachers.

Next, Mr. Cowper spoke to the same Article, saying, He thought it unnecessary at that time to urge all the Arguments which might be made use of, to justify the reasonableness of the Toleration granted to Protestant Dissenters, by exempting them from the Penalties of certain Laws. It might suffice to say, that Indulgence was requir'd from them as Christians, and as Men professing Humanity and good Will towards one another. And whoever maintain'd, that the Toleration was unreasonable, and the Allowance of it unwarrantable, seem'd necessarily to assert, that the Exemption granted to Her Majesty's Subjects, from the Penalties of former Laws, ought to be assum'd ; unless it could be suppos'd reasonable to allow what was unwarrantable.

And therefore that Assertion did evidently Arraign the Act  
of

of *Toleration*, a Law then in being, a Law by which the People (throughout the whole Series of the then dangerous War) had been more firmly united, in Interest and Affection, than formerly : He meant, in the Days when the Penalties of those Laws had been inflicted with intemperate Zeal.

But before he proceeded to make good the Charge contain'd in the second Article of the Impeachment exhibited against the Prisoner by the Commons, he must beg leave to take Notice of the Introduction to the Doctor's Answer ; by which it seem'd he could not, not upon the most diligent Enquiry, be able to inform himself, that a Toleration had been granted by Law.

But, Mr. *Cowper* said, He took the Statute i *William* and *Mary*, which exempted Dissenters from the Penalties of former Laws, to amount to a legal Indulgence, or Grant of Liberty of Conscience ; because by that Repeal a Liberty had been given, which was before restrain'd, so that without Impropriety, it might be said that Toleration was granted by Law. But Dr. *Sacheverell*, he had rather it should be call'd an Exemption, for no other Reason, but because he had not said much, if any thing, of the Word *Exemption* in his Sermon, how free soever he had made with the Toleration.

Therefore taking it for granted, (as he thought with reason he might) that Indulgence, Toleration, or Exemption from Penalties, signify'd one and the same thing, (especially as ordinarily made use of) what could be more plain, than that many Passages in that infamous Libel, did cast black and odious Reflections upon the Toleration ? But they having been all read, for fear (after what had been already said) of being too tedious, he would mention one only. The Words were these :

*What could not be gain'd by Comprehension and Toleration must be brought about by Moderation and Occasional Conformity ; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can not be pull'd down, it may be blown up ; and no matter with these Men how it is destroy'd, so it is destroy'd, &c.*

Mr. *Cowper* ask'd their Lordships, Whether it was reasonable to allow Toleration, or rather whether the Allowance of it were not unwarrantable, if it were the open and violent Means made use of to destroy the Church of *England* ? And whether that was not a most uncharitable Centure, highly reflecting upon the Act of Toleration, and the Legislative Authority. Whether that was not maliciously and falsely Suggested, with a wicked and seditious Purpose, to create Jealousies and Misunderstandings amongst Her Majesty's People.

Comprehension and Toleration being represented as open Violence, Moderation and Occasional Conformity as secret

Treachery



Treachery, by which the Church might be blown up, tho' it could not be pull'd down by the violent Means of Comprehension and Toleration.

He said, It would waste too much Time unnecessarily, should he take particular Notice (after what had been already so well urg'd in Maintenance of the second Article) of all the Passages which seem'd to be equally liable to Censure.

The *Antistasis* about that Paragraph being so very plain, that he hop'd it was not one of those mention'd in the Doctor's Answer to carry a dubious Sense. The Prisoner seeming to have taken care to explain himself, for fear his Meaning should have been doubtful; and therefore after having said,

*What could not be gain'd by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity*; he added, *that is, what they could not do by open Violence, they will not fail by Treachery to accomplish.*

And having inveigh'd against the Toleration with much ill Nature and Bitterness of Spirit, he had been pleas'd in the next place to assert, That he was a false Brother with relation to God, Religion, or the Church who Defended it.

The Answer to that Branch of the second Article, Mr. Cowper said, was long, and, as he apprehended, seem'd to be evasive. For first, there was a Difference again taken, between Toleration and Liberty of Conscience and an Exemption or Indulgence; and under that Distinction, which, for the Reasons before-mention'd, was a Distinction without a Difference, the Doctor took the Liberty to maintain and justify, that he was a false Brother who defended Toleration and Liberty of Conscience.

He own'd the Doctor endeavour'd to evade the Charge, by saying he meant those only, who at the same time they defended universal Toleration and Liberty of Conscience, did also excuse the Separation, and lay the Fault upon the true Sons of the Church, by carrying Matters too high.

But whatever he was pleas'd to say he meant, in Answer to that part of the Article, surely no such Meaning could be collected from his Sermon, throughout the whole Libel, for he was bold to say there was not one Word of universal Toleration, or universal Liberty of Conscience; this was another kind of Toleration, never heard of, 'till then new coin'd, in order to extenuate his vile and uncharitable Assertions.

That there the Doctor pleas'd to sum up the modish *Criteria*, as he term'd them, of a true Church-Man, in a figurative and ironical Manner, and plainly asserted, they were the several *Characteristicks* of a false Brother; amongst the rest, to defend Toleration was said to be one, and under pretence of Moderation to excuse their Separation (*i. e.*) of the Dis-

ters, of whom he had next before spoken, was another ; and concludes the Paragraph with this pathetick Expression, *God deliver us all from such false Brethren.*

That the Doctor having so treated those who defended Toleration, his superior Pastors were in the next place to be admonish'd of their Duty, which was to thunder out their Ecclesiastical Anathema's against the Persons intitl'd to legal Indulgence, which Anathema's were stil'd Sentences ratify'd in Heaven, and such as no Power on Earth durst reverse.

It was far from him, continu'd Mr. Cowper, to say, that Sentences ratify'd in Heaven could be revers'd by the Powers of this World. But had Doctor *Sacheverell* been a superior Pastor, and Anathematiz'd, or, in plain *English* Curs'd and Sentenc'd all those who enjoy'd the Benefit of Toleration, to Damnation, he desir'd to be excus'd, if he could not believe that such a Sentence would be ratify'd in Heaven.

And as to any Ecclesiastical Censure not ratify'd in Heaven, it was downright Insolence to say, there was no Power upon Earth that could reverse it.

But since the superior Pastors would exercise a truly Christian, and noble Spirit of Charity and Moderation, and indulgent scrupulous Conciences, the Doctor was pleas'd however to bear his Testimony against it, and was not contented with delivering over to Satan those only who enjoy'd the Indulgence, but those who defend Toleration must also bear them Company.

The Doctor's, indeed, he said, was a very comprehensive Anathema, and conceiv'd in these Words, *And as he chose in this World, appoints him in the next his Portion with Hypocrites and Unbelievers, with all Lyars, that have their part in the Lake, which burns with Fire and Brimstone, with the Grand Father of Falshood, the Devil and his Angels. And here we leave our false Brethren, in the Company they always keep Correspondence were.*

That this was a most dreadful unchristian Sentence, a Sentence so barbarous, so astonishing, that he was at a loss to imagine, how it could enter into the Mind of Man to conceive it?

And yet, perhaps, it might be equally dangerous to defend the Ashes of the venerable Prelate Archbishop *Grindall* ; who it seem'd, had been a false Son of the Church, and a perfidious Prelate, as having deluded Queen *Elizabeth* to a Toleration of the *Genevian* Discipline ; where the Doctor's great Aversion to all kind of Toleration might be observ'd.

But he thought, for the Sake of the Reformation, better Language should have been given, and more decent Expressions bestow'd upon a Man known to have born so considerable a part in the Establishment of it.

Wh

Wh  
nation  
made u  
be seen  
rit tha  
the Re  
part of  
He c  
Answer  
cause th  
deposited  
held in  
ed Chu  
fifth Da  
For h  
flections  
serv'd fi  
Opinion  
He w  
permit h  
to be In  
meanor ;  
*Grindall*  
his deluc  
Words f  
evidently  
liciously  
jurious t  
Her Maj  
Church a  
By wh  
of the Pe  
sonably an  
and Viole  
so much  
whilst the  
wholesom  
He conc  
to the Art  
had alread  
throughout  
sensible, a  
Lordships  
For he h  
be expected  
medy were  
Therefor

Where likewise all Men might observe the Doctor's Inclination to wholesome Severities, such as Queen *Elizabeth* had made use of, being such as, it was to be hop'd, would never be seen more in this Kingdom; and by the way, what a Spirit that Man was of, who could find nothing to commend in the Reign of that Glorious Queen, but the blackest and worst part of it.

He could not agree, that those harsh Expressions, as the Answer own'd they were, could the rather to be excus'd, because the Remains of the Archbishop had been so long since deposited, especially considering that his Memory had been held in the highest Esteem and Veneration by all the Reformed Churches in *Christendom*, from that Time down to the fifth Day of *November* last.

For his own part, he thought it very Immoral to cast Reflections upon the Dead, how ill soever they might have deserv'd from us; and the longer a Man had been so, in his Opinion, rather aggravated than lessen'd the Immorality.

He was free to own, that the Man whose Morals would permit him to reflect upon the Departed, was not therefore to be Impeach'd for it, as for an High Crime and Misdemeanor; but that was not the present Case. Archbishop *Grindall* had been thus severely treated upon a Supposition of his deluding the Queen to a Toleration; and all the hard Words falsely and unreasonably bestow'd upon him, had been evidently levelld at the present Toleration, and design'd maliciously to Asperse and Traduce it, by representing it as injurious to the Character of all concern'd in it, dangerous to Her Majesty, and destructive to the Constitution both in Church and State.

By which Means, and others (if possible worse) one part of the People, through groundless Fear and Jealousie, unreasonably and maliciously instill'd, were to be stirr'd up to Arms and Violence; others, upon the Peril of Damnation, were not so much as to utter one Word in defence of Toleration; whilst the third and last Part were to have the Doctor's wholesome Severities executed upon them.

He concluded, 'Twas too notorious that that Incendiary, for to the Articles of the Commons of *Great Britain* call'd him, had already stirr'd up unaccountable Feuds and Quarrels throughout the Nation; of which the Commons were too sensible, and had therefore brought the Offender before their Lordships in Justice and in Judgment.

For he had sown many Seeds of Sedition, and the Fruit to be expected was civil Discord and Confusion, unless some Remedy were apply'd to prevent it.

Therefore the Commons, for Her Majesty's Safety, and for



the Security of the Constitution, had thought it absolutely necessary to bring him to answer for those high Crimes and Misdemeanours before their Lordships Tribunal, conceiving his Offences to be of so exorbitant a Nature, that they deserv'd the Solemnity of that Proceeding.

*Then the Lords Adjourn'd to their own House.*

On *Wednesday, March the First*, The Lords came down into *Westminster-Hall*, and being seated as before-mention'd, Proclamation was made by the Serjeant at Arms enjoining Silence, and another Proclamation for *Dr. Sacheverell* to appear.

Which the Doctor accordingly did, with his Council, as before; and the *Lord-Chancellor* directed the Managers to proceed in their Evidence.

Then *Mr. Thomson* apply'd himself to the Lords to this Effect:

That their Lordships having heard what had been produc'd in Maintenance of the two first Articles of this Impeachment, he should take the Liberty to proceed, and endeavour to discharge the Trust repos'd in him by the Commons, to support the third Article, and the Accusations contain'd in it; and would not waste their Time by making any Apology for his Inabilities, and being unequal to that Undertaking, as not doubting but that he should find from their Lordships a candid Interpretation of whatever he should offer upon that Occasion.

He said, That Article was founded on a Vote or Resolution of their Lordships, and the Commons, in Parliament assembled, which was recited in the Preamble of those Articles, and the Occasion of which it might be necessary to mention to their Lordships. That some few Years since there had been many scandalous and seditious Rumours spread abroad, of the Danger of the Church of *England*, as Establish'd by Law. Several Libels had been dispers'd over the Kingdom, reviling Her Majesty's Administration in Church and State; and among the rest, one intitl'd, *The Memorial of the Church of England*. Her Majesty had been pleas'd to take notice of those seditious Reports from Her Throne to the Parliament; and thereupon their Lordships and the Commons, on the 17th of *Decemb. 1705*, had come to the Vote or Resolution mention'd in the Preamble. and an Address which was recited to this Effect: *That their Lordships, and the Commons, in Parliament assembled, had Address'd, and laid before Her Majesty a Vote or Resolution, That the Church of England, as establish'd by Law, and which had been rescu'd from the extreamest Danger by her*

late Majesty  
Her Majesty  
ever shou  
was in  
Enemy to  
And t  
Addresse  
Vote or  
the punish  
seditious  
Her Maj  
according  
And th  
to, and  
Vote or  
at St. Pa  
be in a Co  
by's Admi  
wickedly a  
liament,  
ring the k  
Danger:  
sembly wh  
be out of  
his Destru  
That he  
what he sa  
Who deny  
der Her M  
Vice and I  
the Paralle  
conspiring  
mention'd  
Charge; b  
conspiring  
Design, vo  
voted the C  
spiring aga  
were drawi  
And as to  
cern'd only  
and to be in  
That hav  
proceed to a  
of the Sermo  
but their Ac  
that no strai

late Majesty, of glorious Memory, was, by God's Blessing, under Her Majesty in a safe and flourishing Condition; and that whoever should go about to suggest and insinuate that the Church was in Danger under Her Majesty's Administration, was an Enemy to the Queen, the Church, and the Kingdom.

And that their Lordships, and the Commons, by their said Addresses, had humbly besought Her Majesty to make the said Vote or Resolution publick, and to take effectual Measures for the punishing the Authors and Spreaders of such malicious and seditious Reports: And that on the 20th of the same Month Her Majesty had been pleas'd to issue Her Royal Proclamation accordingly.

And therefore the said Article charges, That in Opposition to, and Defiance of, and in order to arraign and blacken that Vote or Resolution, Doctor Sacheverell, in his Sermon preach'd at St. Pauls, did suggest and assert the Church of England to be in a Condition of great Peril and Adversity under Her Majesty's Administration. The Article further saying, That he wickedly and maliciously insinuated, That the Members of Parliament, who pass'd that Revolution, were themselves conspiring the Ruin of the Church, which they voted to be out of Danger: And that by way of Parallel or Allusion to that Assembly who had voted the Person of King Charles the First to be out of Danger at the same time when they were conspiring his Destruction.

That he would do the Doctor the Justice to take notice of what he said in his Answer, and alledg'd as his Justification, Who deny'd that he asserted the Church to be in Danger, under Her Majesty's Administration: Or otherwise than from Vice and Infidelity, Blasphemy and Prophaneness. And as to the Parallel in the Vote, and the Insinuation of the Members conspiring the Ruin of the Church, he said he had never mention'd that Vote, nor design'd the Parallel as laid to his Charge; but only meant, that while some Men had been conspiring the Death of the King, others, not privy to that Design, voted him out of Danger; so tho' the Members had voted the Church to be out of Danger, yet others were conspiring against the Church, and by their Vice and Infidelity were drawing down Vengeance on the Church and Kingdom: And as to that Vote, made four Years before he said it concern'd only those who did then insinuate the Church of England to be in Danger under Her Majesty's Administration.

That having stated the Charge, and the Defence, he would proceed to acquaint their Lordships with the several Passages of the Sermon, which the Commons apprehended would make out their Accusation. And there, he should take leave to say, that no strain'd or forc'd Constructions could be desir'd by the

Commons, or expected from their Lordships, or any Inferences to be deduc'd, but what naturally arose from a fair, impartial, and candid Interpretation.

That the first Passage, the Commons apprehended, was for their Purpose was in the 5th Page; the Doctor, just before, enumerating St. Paul's Misfortunes that beset him, while he was propagating the Gospel, and then said, *There is a very observable Gradation in his Sufferings, but that, of all his Calamities, the highest of them proceeded from false Brethren*: Then speaking of the Condition of the Church of Corinth, there follow'd these Words: *Tho' it were very obvious to draw a Parallel here betwixt the sad Circumstances of the Church of Corinth formerly, and of the Church of England at present, wherein her holy Communion has been rent and divided by factious and schismatical Impostors, her pure Doctrine has been corrupted and defil'd, her primitive Worship and Discipline prophan'd and abus'd, her sacred Orders deny'd and vilify'd, her Priests and Professors (like St. Paul) calumniated, misrepresented and ridicul'd, her Altars and Sacraments prostituted to Hypocrites, Deists, Socinians and Atheists; and this done, I wish I could not say, without Discouragement, I am sure with Impunity, not only by our profess'd Enemies, but, which is worse, by our pretended Friends, and false Brethren.*

To which Mr. Thomson said, It might be observ'd, that the Doctor was very free in his Parallels, and when either Church or State was to be represented by Comparisons, he was pleas'd to make use of the worst he could find. Saying the Church of Corinth was in the utmost of Perils, and then it was to his Purpose to make the Allusion, and bring the Church of England into the same Condition.

That there were many Particulars in that Passage, whereby the Church was said to be in the said Circumstances, he could not tell how to apply them according to the Doctor's Way of Interpretation; for he said all those Enormities were practis'd, not without Discouragement, and with Impunity, not by profess'd Enemies, but by false Brethren; which plainly shew'd who he aim'd at as the Authors of those Calamities: For he excluded vicious Infidels, Blasphemers and Hereticks, who were profess'd Enemies, and laid it upon false Brethren; and he explain'd what sort of false Brethren he meant; for who could prostitute Altars and Sacraments to Deists, Atheists, and Socinians, but some of his own Order? And who were to punish such Offences among the Clergy, but their spiritual Superiors? And whether they were not Part of Her Majesty's Administration, he submitted to their Lordships.

But, supposing the Fact to be true, That there were erroneous Doctrines publish'd, to what end was the World to be

told in  
but to re  
that be c  
duc'd an  
(which  
had a pr  
might b  
Superior  
which h  
ted a P  
which h  
The f  
16th, w  
was defi  
sensors, c  
heinous  
of an U  
False Bre  
they wer  
which w  
could na  
to be br  
was, wha  
fail by fa  
be pull'd  
Men, how  
were tho  
of Comp  
Mischief  
lity, from  
False Br  
second G  
be Perfor  
porting i  
ing that  
which D  
sed to g  
and atten  
the Chur  
the Vice  
Means o  
Vice he  
the least  
met with  
That  
Doctor v  
the same



told in that Manner, that they were vented with Impunity, but to reflect on those who ought to punish them; and could that be done without a Prosecution? If the Doctor had produc'd any of his undeniable and ample Proofs of those Matters, (which he mention'd in his Answer) before any Court that had a proper Conscience of them, and been deny'd Justice, he might have had more Reason for Complaint; but to blame his Superiors for not punishing what they might be ignorant of, which he said he was not, (and which he might have promoted a Prosecution) seem'd to retort the Guilt upon himself, which he would have laid upon them.

The second Passage Mr. Thomson said, was in Page the 16th, where the Doctor, talking of a Comprehension which was design'd some Time before, to unite the Church and Dissenters, complain'd of the Persons who were concern'd in that heinous Intention; and then he asserted, *That since that Model of an Universal Liberty and Coalition had fail'd, and those False Brethren could not carry the Conventicle into the Church, they were resolv'd to bring the Church into the Conventicle, which would more plausibly and slyly effect her Ruin. What could not be gain'd by Comprehension and Toleration, was to be brought by Moderation and Occasional Conformity, which was, what they could not do by open Violence, they would not fail by secret Treachery to accomplish: If the Church could not be pull'd down, it might be blown up; and no Matter with those Men, how it were destroy'd, so that it was destroy'd.* Who then were those False Brethren that were concern'd in that Design of Comprehension, which fail'd, and who introduc'd worse Mischiefs? Did these Dangers proceed from Vice and Infidelity, from Blasphemy, and erroneous Doctrines? No, those False Brethren were describ'd in the Page before, under his second General Head, to be in Church and State, which must be Persons in Power and Authority; the Expression it self importing it, nor could they otherwise be capable of accomplishing that Design of uniting the Dissenters and the Church; to which Design, and the Authors who intended it, he was pleas'd to give the most vile and scurrilous Names imaginable, and afterwards laid to their Charge an Intention to blow up the Church by Moderation: And that he suppos'd was one of the Vices which the Doctor mention'd in his Answer, as one Means of Danger to the Church. And if Moderation were a Vice he would do the Doctor the Justice to acquit him from the least Tincture of it, in any of his Works that he had ever met with.

That the third Passage was in Page the 18th: Where the Doctor was continuing his Observations of the Danger from the same False Brethren in Church and State, and then his

Words were, *Falshood* always implies *Treachery*; and whether that is a *Qualification* for any one to be trusted, especially with the *Guardianship* of our Church or Crown, let our Governors consider. Which must relate to Persons, who, as the Doctor would insinuate were not fit to be trusted with the *Guardianship* of the Church or Crown; and whether that Reflection did not seem to aim higher than the Administration, he submitted to their Lordships.

That the next Passage was Page the 20th. in these Words *And now are we under no Danger in these deplorable Circumstances? Must we lull our selves under this sad Repose, and in such a stupid Lethargick Security embrace our Ruin? When Elisha, the great Prophet of God, was surrounded with an Host of Enemies that sought for his Life, his blind Servant beheld not the Peril his Master was in, till his Eyes were opened by a Miracle, and he found himself in the midst of Horses and Chariots of Fire. I pray God we be out of Danger; but we may remember that the King's Person was voted to be so, at the same time that his Murtherers were conspiring his Death.*

That to excuse this Passage, the Doctor said, the deplorable Circumstances we were in proceeded from the Maturity of National Sins, &c. as in his Answer. But who were mention'd in his Sermon as the Occasion of the Maturity of National Sins but the Dissenters, who, he said were plotting the Ruin of the Church, and False Brethren join'd with them; so that there neither was the Danger asserted from Vice and Infidelity; but as it was occasioned by the Dissention from the Church, which the Law had thought fit to apprehend as no Danger to the Church; and therefore it could not become him to assert the contrary: But as to the Parallel of the Assembly, which Voted King Charles the First out of Danger, and of the Members who had made the Vote about the Danger of the Church four Years before, he said he had meant no Reflection on any of the Members who pass'd that Vote, because he had never mention'd that Vote; and as to the Vote about King Charles, others had been conspiring his Ruin than those who voted him out of Danger; so while the Parliament had voted the Church out of Danger, there had been other Enemies conspiring her Ruin. But if the Doctor had intended no Reflection upon that Vote, why had voting in any Case been mention'd? Could any one imagine that the Doctor should not know of that Vote, since the Danger of the Church was so much his Topick? Nor could he be presum'd ignorant of the Time when that Vote about King Charles was pass'd, which, as far as might be observ'd from the History of that Time, was in November 1648, that he was voted out of Danger; and when he was Tryed and Beheaded needed not be mention'd to their Lordships: And whatever

Alteration

Alteration  
Vote, and  
who had  
Assembly  
plain, tha  
came from  
strange to  
same man

As to t  
the blind  
till his Ey  
midst of H  
riots of F  
nor was th  
rary, the  
plainly pe  
impression

That th  
still talkin

as in the  
Wounds sh

Mr. Thom

said it seem

making; v

for a Time

in Bittern

ies at pr

to comfort

ously with

tion'd thos

Pathetick

Scripture,

be in the u

He shoul

ges in tha

there was

four Years

to them th

if he had n

there was

ever shall

under her

Time durin

He begg

that Offenc

the Memor

chief Occa

Alteration might have been made in that Assembly after the Vote, and before his Death, had been done by those Persons who had conspir'd his Destruction, and who were Part of that Assembly that had voted him out of Danger ; so that it seem'd plain, that the Vote of Safety, and the Conspiracy of Ruin, came from most of the same Persons ; and it did not seem very strange to suppose the Doctor had intended his Allusion in the same manner.

As to the Scripture the Doctor quoted to that purpose, *That the blind Servant beheld not the Peril his Master Elisha was in, till his Eyes were open'd by Miracle, and he found himself in the midst of Horses and Chariots of Fire* : Those Horses and Chariots of Fire were not the Prophet's Enemies, but his Friends, nor was there any Danger to be fear'd from them ; on the contrary, they were a Security from his Enemies ; so that he had plainly perverted the Sense of that Text, to make a stronger Impression, and more effectually to delude the People.

That the last Passage was in the last Page, where he was still talking of the Danger of the Church, and quoted a Text as in the *Lamentations*, (viz.) *Tho' she lies bleeding of the Wounds she received in the House of her Friends*. Which Text Mr. Thomson declar'd he could not find there, and therefore said it seem'd to him to be a Lamentation of the Doctor's own making ; who then went on ; *Tho' the ways of Sion may mourn for a Time, and her Gates be desolate, her Priests sigh, and she in Bitterness, because her Adversaries are Chief, and her Enemies at present proper ; tho' among all her Lovers she has few to comfort her, and many of her Friends have dealt treacherously with her, and are become her Enemies*. He said he mention'd those Passages only to show, that the Doctor, by the most Pathetick Expressions of his own, mixt with those Texts of Scripture, endeavour'd to represent the Church of England to be in the utmost Danger.

He should trouble their Lordships no further with the Passages in that Sermon ; but ought not to omit to take notice, that there was a Suggestion in the Doctor's Answer, that the Vote four Years before did not concern him, but that it related only to them that then did assert the Church to be in Danger ; but if he had minded the Words of the Vote, he would have found there was no Pretence for that Objection, for they were, *Whoever shall go about to insinuate ; that the Church is Danger under her Majesty's Administration* ; which must relate to any Time during the Continuance of her Majesty's Reign.

He begg'd leave to observe some Circumstances attending that Offence, which gave it the highest Aggravation. That the Memorial published some Years before, which had been the Chief Occasion of the Vote in Parliament, was a Libel that

Revil'd



Revil'd Her Majesty and Her Administration, as the Occasion of the Danger of the Church. That the Author had been pleas'd to conceal himself, not daring to avow his Doctrine; but the Book had the Fate it deserv'd; and from the Ashes of that Phoenix there arose another Memorial, with many of the same virulent Expressions against Her Majesty's Administration, agreeing in the whole Scope of it, as to the same scandalous Purpose, but far exceeding it in Malice and Inveteracy.

And that new Memorialist had presum'd to Publish his Seditious Reflections in the most open Manner imaginable, first at the Assizes at *Derby*, and afterwards in the great Metropolitian Church of *London*; and had thought fit to Print and Disperse about Forty Thousand of them over the Kingdom: And whence could this extraordinary Zeal proceed? Had it been to exhort Men to revere their Governors, and to submit to those in Authority over them? Had it been intended to preserve Peace and good Will amongst Men? To promote Charity, Brotherly Love and Affection? No, my Lords, there was plain Evidence to the contrary. He shou'd be judg'd out of his own Mouth, and he told the Reason of his Topicks in that Place, saying, he intended *To open the Eyes of the deluded People in that great Metropolis, to set the Rich and Powerful Inhabitants right in their Notions of Government in Church and State.* They were oblig'd to him for his pious Design, and for instilling those Doctrines which, as their Lordships had been told the Day before, would make their Religion Liberty, Property, and all that was dear and valuable, Precarious; he inform'd them further, *That the Constitution in Church and State was vigorously attack'd from Without, and lazily defended from Within; that there were Attempts upon the Friends of the Church to shut their Eyes and Mouths, in order to Undermine and Destroy them; that he thought the Pulpit a proper Place for Politicks, and that it was the Business of a Clergyman to sound a Trumpet in Sion, to cry aloud and spare not.* And in his Preface to the *Derby* Sermon he explain'd himself still further upon that Topick, *That the Church was shamefully betray'd and run down: That there were some still who would defend it with their Lives and Fortunes:* And then stated the Case as if there were an immediate Necessity to take up Arms for a Holy War upon that Occasion.

That the Crime was more heinous, for that there was the least Reason for those Seditious Murmurs, than had been in any Reign whatever; Was there any Invasion or Attempt upon the Liturgy, even the least Ceremony of the Church or any part of the Ecclesiastical Constitution? Were her Revenues impair'd, or any of her Temporal Rights violated? No

but her Majesty's more perfect given from for their Preach so was she w Her own That tho Pillars to those Ref that Vene their Car they were Conduct, worst of surprising Fountain could not sume in whole N To what not to an tious Def That i ed by Mi prav'd N that they Benefits t must Rebe vernment tecti on. That i that spar ry Proceed the Church rating suc Practices If their and exert ous and the Pulpit become t leave to ssertions o mons wer the Prefer gine they

but her Majesty had distinguish'd Her Care for that Church in a more peculiar Manner than any of her Predecessors; She had given from her own Revenue to increase that of the Clergy for their more creditable Support, and to enable them to Preach sound Doctrine for the Welfare of Her Subjects; nor was she wanting to promote Religion, Piety and Virtue, by Her own Royal Example, the most effectual Encouragement. That those were the true Basis of the Church, and the best Pillars to support it. And what Occasion could there be for those Reflections on Her Majesty's Administration? Had not that Venerable Bench given the World abundant Proof of their Care and Vigilance to preserve that Church, of which they were the Guardians, by their Learning and unblameable Conduct, by their zealous and resolute Defence of her in the worst of Times, and against all her Enemies: It was very surprising that a Gentleman, whose Education has been in the Fountain of Learning and Religion so many Years, (who could not be presum'd to err through Ignorance) should presume in his private Capacity to contradict the Sense of the whole Nation, and cast such Aspersions on his Superiors: To what End could he so zealously disperse his Notions, if not to animate a deluded People to the Execution of Seditious Designs?

That it were to be wish'd, a Government could be supported by Mildness and Clemency; but such was the State of deprav'd Nature, even those most Passive-Obedience Natures, that they were not contented to be only ungrateful for the Benefits they Enjoy'd from the Church and State, but they must Rebel against Principle, and fly in the Face of that Government from which they receiv'd their Support and Protection.

That the Doctor cry'd aloud, and there were many others that spar'd not; some having presum'd to Censure that very Proceeding before their Lordships, as a Persecution of the Church; And what must be the Consequence of Tolerating such bold daring Spirits to go on in their Seditious Practices!

If their Lordships did not vindicate their own Resolutions, and exert their Power and Authority to Suppress that audacious and unparallel'd Insolence, which daily flew abroad from the Pulpit and the Press (those, as the Doctor truly said, being become the Mints of Faction and Sedition) he might take leave to say, there would be too much Reason for his Assertions of Danger both to Church and State: But the Commons were so well satisfy'd of their Lordships true Concern for the Preservation of the Constitution, that they could not imagine they would suffer any Attempts that might be Pernicious

ous to the Welfare of the Government to pass without Con-  
dign Punishment; and therefore they intirely rely'd on their  
Lordships Wisdom and Justice.

Then Mr. *Compton* told their Lordships, He was Comman-  
ded by the Commons to assist in maintaining the third Article  
of their Impeachment against Doctor *Henry Sacheverell*, which  
had been fully open'd by the Learned Gentleman that spoke  
before him.

That the Commons thought they had good Reason to assert,  
that Dr. *Sacheverell*, in his Sermon Preach'd at St. *Pauls*, did  
falsly and maliciously Contradict and Arraign a Resolution of  
both Houses of Parliament, approv'd of by Her Majesty, and  
made publick by Her Royal Proclamation.

Their Lordships could not but have observ'd, that it had  
been one of the constant Artifices of the Enemies of the pre-  
sent happy Establishment, who very well knew the just Value  
the People of the Nation had for the Establish'd Church,  
to Suggest and Insinuate, that the said Church was in a  
Condition of great Peril and Adversity, in order to foment  
Animosities, and to cover Designs they durst not publicly  
own. But how frequent soever that had been, he believ'd,  
he might safely affirm, that Scandalous and Seditious Affir-  
tion had never been so boldly maintain'd, nor with such in-  
vidious and aggravating Circumstances, as by the Criminal at  
their Lordships Bar.

That, The Learned Society, of which he was a Member,  
had reap'd such signal, such immediate Advantages from the  
Revolution, that he cou'd not be unmindful, he cou'd not be  
ignorant of the extreme Danger from which their Laws and  
Liberties, the Church and Constitution had been Rescu'd by  
his late Majesty; yet such was his Ingratitude to their great  
Deliverer, such was his Inveteracy to the Revolution, that he  
made that very Revolution the Period of Time from whence  
the Enemies of the Church first had Hopes to deliver her up  
to her worst Adversaries; nor did his Malignity cease there,  
but he endeavour'd to perswade the People, that from the Re-  
volution to that Time, there had been a continu'd Series of  
Contrivances to Ruin and Destroy the Church; at the Revo-  
lution, by open Violence, but *Then*, that is, under Her Ma-  
jesty's Administration, by *secret Treachery*; and since neither  
the late nor the present Reign could escape his Invectives, for  
what Person he reserv'd his Panegyricks, was submitted to  
their Lordships to determine.

That he wou'd not take up any of their Lordships Time  
unnecessarily, but must not conclude, without expressing the  
Indignation the Commons had at his traducing and vilifying the

the last P  
his Sermon

The Pa  
had been  
that Her  
Throne, a  
Malice o  
Danger, c  
tenance a  
Majesty,  
disappoint  
stitution,  
her forth  
which ha  
liament h  
with soo  
Weeks H  
Proceedin  
at the C  
Goodness  
their Un  
against ev  
the same  
Majesty i  
Kingdoms  
ment, join  
United Ki  
Majesty i  
Crown, w  
Arbitrary  
affected to  
He put  
Ground to  
ment, wit  
which the  
for himsel  
and the le  
Reign, an  
were in th  
Church, w  
up to be t  
But, that  
come, wh  
nation; fo  
inflict such

† Clar.



the last Parliament, by that odious Parallel in the 21st Page of his Sermon preach'd at St. Pauls.

The Parliament he in that Manner endeavour'd to blacken, had been open'd with so full an Appearance in both Houses, that Her Majesty had observ'd it with Satisfaction from the Throne, and at the same time with Grief took Notice of the Malice of such Persons, as Suggested the Church to be in Danger, desiring the Assistance of Her Parliament to Discourage and Defeat such Practices; and that in Duty to Her Majesty, to secure the Quiet and Peace of the Kingdom, and to disappoint the Designs of the Enemies of the Church and Constitution, both Houses of Parliament had come to the Resolution, set forth by the Commons in the Articles of the Impeachment which had been read to their Lordships: And the same Parliament had proceeded in that and other Matters before them, with so much Vigour and Prudence, that in less than six Weeks Her Majesty had graciously taken Notice that their Proceedings produc'd a good Effect all over Europe: And at the Conclusion of the Session, Her Majesty, with great Goodness, had declar'd how much she was pleas'd to observe their Unanimity and Zeal throughout the whole Session against every thing that tended to Sedition. And it had been the same Parliament that so chearfully concurr'd with Her Majesty in promoting and compleating the Union of the two Kingdoms: And the Gentlemen who compos'd that Parliament, join'd by the Representative of the other Part of the United Kingdom, had readily and unanimously assisted Her Majesty in disappointing the Attempt of the Pretender to Her Crown, whose chief Dependence had been in the Restless and Arbitrary Principles of some of Her Majesty's Subjects, ill-affect'd to their Country.

He put it to their Lordships, whether there were any Ground to compare the dutiful Proceedings of such a Parliament, with what had been done in those unhappy Times, with which the Doctor wou'd maliciously draw a Parallel? And for himself might safely venture to say, it was impossible to find the least Resemblance between Her Majesty's Glorious Reign, and that unfortunate Administration except that there were in the one, as well as in the other, † *Ministers of the Church, who, by their Function, being Messengers of Peace, set up to be the Trumpets of Sedition and Incendiaries to Rebellion.* But, that the Commons hop'd, The happy Period was then come, when even that Resemblance should have its Determination; for they entirely rely'd on their Lordships Justice to inflict such an Exemplary Punishment on that Offender, as might

---

† Clar. Hist. of the Rebel. V. 2. P. 18.

might deter others from endeavouring to distract the Kingdom with such groundless Distrusts and Jealousies for the future.

The *Lord Coningsby* follow'd *Mr. Compton*, delivering himself to this Purpose, That he was commanded by the Commons of *Great Britain* to assist, and endeavour to make good the important Charge they had Exhibited against the Criminal at the Bar: And in regard he was least able, amongst all the Gentlemen who had that Honour, out of Indulgence to him he had been assign'd to the third Article, which wanted lead to be supported.

That the Sermon preach'd by the Doctor at *St. Pauls*, and which had been read to their Lordships, from the first Word in the Title Page, to the last Line in the Conclusion, was one false, malicious, and seditious Assertion, That the Church of *England* had been under the last Reign, and still continu'd under the present, in the utmost Peril and Danger.

And the Proclamation their Lordships had heard mention'd and which had been design'd by Her Majesty, from whose Speech it took its Rise, by their Lordships and the Commons who had concurr'd in it, to be a Warning to such Incendiaries, as the Criminal, not to trumpet amongst the People Suggestions so seditious, in order to cover Designs more dangerous, and which, God be prais'd, they were not yet strong enough, nor never, he hop'd, would be Publickly to own shew'd that a malignant Offender had committed that Offence in Defiance of Her Majesty, their Lordships, and the Commons.

That the Proofs, brought by almost every Gentleman to the two preceeding Articles; and those particular Instances, fully open'd by those Gentlemen, who had spoke before him to the third, shew'd it would be vain in him, and mispending their Lordships Time, to pretend to enforce those Points which had been already so fully made good.

He would therefore very shortly, tho' he hop'd very plainly, lay before their Lordships what were those pernicious Designs the Doctor intended to cover, and at last hop'd to bring to pass, by his Preaching, Printing and Publishing, not only round this Kingdom, but amongst his Friends on the other side of the Water, that seditious, he might say rebellious Discourse, for which he stood then Impeach'd by the Commons.

And as it had been shewn their Lordships, by the Gentlemen that made good the first Article, that the Doctor, by reflecting on the necessary Means to bring about the Revolution, the Foundation on which the present happy Establishment

ment was  
pend on  
one, desig  
Pretender,  
to govern

So it w  
that the L  
nothing m  
Establish'd  
cause it w  
to that of  
Apostles;

Opinions  
they were  
Church, a  
for the S  
Pretence P  
into a Mo

A Church  
and had fin

A Church  
Borning fo  
wicked Me  
verities.

A Church  
under the p  
had got rid

He could  
out of Duty  
and the Co  
like heinou

Next, M  
Article of t  
Position, T

tion of grea  
stration, ag  
pregnant P  
Offender.

That the  
plain and p  
as well as fi  
submit to t

Parallel mig  
was not mo  
were consp  
when under

ment was built, by asserting that Her Majesty ought to depend on no other Title to the Crown but Her Hereditary one, design'd, by such destructive Positions, to bring back the Pretender, with Popery and *French* Tyranny attending him to govern the State.

So it was as plain, from the whole Scope of his Sermon, that the Doctor, and all those in Combination with him, had nothing more at Heart than to destroy the present Church, as Establish'd by the wholesome Laws of the Land, and that because it was most consonant in its Doctrine and Discipline, to that of the primitive Christians of any since the Time of the Apostles; and consequently less agreeable with the flaming Opinions of such Firebrands, who knew not of what Spirit they were of: And that in Order to set up a Scheme of a Church, agreeable to the Tyrannical one they had projected for the State. A Church, the Doctor's he meant, tho' in Pretence Protestant, that would be ready soon to be turn'd into a Monster, by adding to it self a Popish Head.

A Church that would destroy all those who brought about, and had since supported, the happy Revolution.

A Church, which upon Anti-christian Principles, profess'd Burning for Conscience-sake; which the Doctor, like those wicked Men whose Mercies were cruel, call'd wholesome Severities.

A Church that would turn all the Blessings they enjoy'd under the present Administration, into all those Miseries they had got rid of by the late glorious Revolution.

He could not therefore doubt but their Lordships would, out of Duty to the best of Queens, and in Justice to themselves and the Commons, deter others from ever being guilty of the like heinous Offence.

Next, Mr. *Dolben* signify'd to the Lords, That the third Article of the Commons Impeachment contain'd one criminal Position, That the Church of *England* was then in a Condition of great Peril and Danger under Her Majesty's Administration, aggravated by an odious Parallel which afforded a pregnant Proof of the true Spirit and Designs of that bold Offender.

That the Accusation had already been fully made out by plain and positive Words in the Doctor's Sermon, from which as well as from many other Passages, he should beg leave to submit to their Lordships Judgment, whether that wicked Parallel might not justly be turn'd upon him, whether there was not more than Suspicion that he, and all his Abettors, were conspiring the Ruin and Destruction of the Church, when under the Disguise of a false Zeal they prostituted her sacred



sacred Name, to carry on dark and deep Designs, fatal both to Church and State.

He should only briefly take Notice to their Lordships, that the Guilt of that Offence arose from a plain Contempt of Her Majesty's Proclamation, and of the Resolutions of both Houses of Parliament, mov'd by no Inducement, but an Eagerness and Industry not to let any Shadow or Colour escape that might contribute to his Part in the grand Design, to be only effected by fomenting Divisions and Distractions among the People.

But in order to unvail the Doctor's Pretences, and to take away his trivial Excuses, he begg'd leave to represent to their Lordships, that tho' the whole Legislature had not, from a full Conviction of the Church's Security and Safety, laid a severe Injunction against the Publishing such a false and pernicious Suggestion, yet evident Truth ought to have taught the Doctor not to have transgress'd in so notorious a Manner.

That when it appear'd the Church had the Sanction of so many and so good Laws to establish and defend it, when the Veneration and Devotion to it, of so great a Majority of the People, was so visibly fix'd in their Hearts, that the bad Examples and provoking Behaviour of that false Brother, and of several others of the same Stamp, had not made the least Abatement, or Impression to its Disadvantage; when the Parliament on all Occasions appear'd so forward and unanimous in their Zeal and Affection for it; when 'twas recommended and illustrated by the Learning, Piety, Wisdom, Charity and Christian Moderation of so many of its chief Pastors; but above all, when 'twas under the Protection and Government of a supreme Head, a true and constant Defender of its Faith and Discipline, who having already expos'd Her Royal Person to Hardships and Danger, to rescue it in a Time of its utmost Peril, and continu'd daily to manifest the same Devotion, Piety, and tender Concern for it: Under that powerful Alliance for its Support, could any thing but Malice and Envy at its Prosperity, could any one but an Incendiary, or disguis'd Enemy, insinuate, that the Church of *England* was not fenc'd and fortify'd with an impregnable Barrier against all Danger, from open Attacks or Violations?

He granted it was true, That no human Care or Policy could prevent the Attempts and secret Conspiracies of intestine Traitors. That Vipers in the Bosom might sting, tho' the Body were cover'd with the strongest Armour. Yet all that could be done was, to be watchful to discover and expose the Hypocrite, to detect and punish his Crimes. The Commons therefore, on that Occasion, were there exerting their Part of that Duty, fully assur'd of Success from their Lordships equal Zeal and Justice.

He said  
man, bou  
to Instru  
true Happ  
Lordships  
of Seditio  
Agent de  
appear'd in  
of such pe  
threw the  
urge a Pre  
Pulpit, tha  
Laws; an  
be dispens  
low'd the  
nicians T  
Laws, Lib  
rious Plea  
plainer Exp  
Oppression  
That the  
Lordships,  
Offence, bu  
authentick  
Means, upo  
stant Succes  
out of a ge  
resent Secu  
the Throne,  
for the leas  
that Proceed  
Successor,  
Virtues, fro  
Right; and  
ate their P  
have done.  
with the gre  
upon a Righ  
would be fe  
had planted  
asting Felici  
ers both to  
silly insinua  
tain'd, and  
clauded and r  
after Compl  
ard was the  
twenty Year  
illies, at the

He said, Their Lordships had then at their Bar a Clergyman, bound, by the strongest Ties and Duty of his Function, to instruct and propagate the necessary Means for the Peoples true Happiness in this World, as well as the next; yet their Lordships would find him prov'd to be a Trumpeter Itinerant of Sedition and Rebellion, first at *Derby*, then in *London*; an Agent detached from that dark Cabal, whose Emissaries appear'd in all Shapes, and almost in all Places; an Asserter of such pestilential and parallel'd Doctrines, as at once overthrew the whole Constitution and State. He might perhaps urge a Precedent in which it had been pleaded, and from the Pulpit, that an urgent Necessity could justify the Breach of Laws; and from others, that in particular Cases they might be dispens'd with; but that Gentleman could not but be allow'd the Infamy, of having stretch'd and improv'd those pernicious Tenets to the exalted Height of making all their Laws, Liberties, Religion and Lives held only at the precarious Pleasure of any bold Invader; for nothing could be a plainer Exposition or Consequence, when 'twas taught, that no Oppression, no Violation could justify an Opposition to it.

That the Commons had brought that Offender before their Lordships, with a View, not only to detect and punish his Offence, but to obtain an Occasion in the most publick and authentick Manner to avow the Principles, and justify the Means, upon which the present Government and the Protestant Succession were Founded and Established, and that more out of a generous Concern for Posterity, than for their own present Security. Being so happy as to have a Sovereign on the Throne, whose Goodness, Justice and Piety left no room for the least Fear or Jealousie; but they hop'd the Record of that Proceeding would remain a lasting Monument, to deter a Successor, that might inherit Her Crowns, but not Her Virtues, from attempting to invade the Laws, or the Peoples Right; and if not, that it would be a noble Precedent to exhort their Posterity to wrestle and tug for Liberty, as they have done. That he doubted not but Her Majesty would, with the greatest Satisfaction, see the Government thus put upon a Right and equal Foot, since thereby those Blessings would be secur'd to future Ages, which Her happy Reign had planted amongst them, since thereby she would intail a lasting Felicity on Her People, and prevent those real Dangers both to Church and State, which at that time were so insinuated. But if that should not then be effectually obtain'd, and by such wholesome Severities as the Doctor applauded and recommended, he begg'd leave to conclude, with another Complaint than that in the Doctor's Answer, That hard was the Fate of that People, who after having been twenty Years in War, in Conjunction with so many great Allies, at the Expence of so much Blood and Treasure, con-

I

ending

ending only against Tyranny and Oppression, which they might justly hope was at last subdu'd, should then see all Europe enjoy the Fruits and Benefits of their Labours; and at the same time, tho' Her Majesty's well chosen General should at last bring home Peace, as he had so often the Lawrels of Victory, to lay with humble Duty at Her Royal Feet, yet they, only they, should be render'd uncapable of the common Blessing; *betray'd at home to a perpetual Condition of Bondage, by such false Brethren as were at their Lordships Bar.*

Here the Lord *Haversham* mov'd the Lords to Adjourn to their House; and being return'd, and Proclamation for Silence made by the Serjeant at Arms.

The Lord Chancellor told Mr. *Dolben*, The Lords had taken Notice that at the Conclusion of what he spoke he had us'd this Expression, *as were at their Lordships Bar*; which Words were so general, that their Lordships were of Opinion they wanted an Explanation.

Mr. *Dolben* answer'd, That those Words had relation only to the Prisoner *at the Bar*.

Then Serjeant *Parker* spoke to the fourth Article thus, That their Lordships had heard the three first Articles of the Charge largely spoken to; and it was his Duty, in Obedience to the Command he had been Honour'd with by the Commons, to make good the Charges in the fourth. That he was sensible how unequal he was to such a Work, both from his want of Capacity, and his present Indisposition; but however, in such manner as he was able he would endeavour it.

He said, That Article did set forth, that *He the said Henry Sacheverell, in his said Sermon and Books did falsely and maliciously suggest, that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tended to the Destruction of the Constitution; and that there were Men of Characters and Stations both in Church and State, who were false Brethren, and did themselves weaken, undermine and betray, and did encourage and put it in the Power of others, who were professed Enemies, to overturn and destroy the Constitution and Establishment: And charg'd Her Majesty, and those in Authority under Her, with a general Male-Administration; and as publick Incendiary, he persuaded Her Majesty's Subjects to keep up a Distinction of Factions and Parties, instill'd groundless Jealousies, and fomented destructive Divisions among 'em, and excited and stirr'd 'em up to Arms and Violence: And, that his said malicious and seditious Suggestions might make the strongest Impressions upon the Minds of Her Majesty's Subjects, he the said Henry Sacheverell did wickedly wrest and pervert divers Texts and Passages of holy Scripture.*

That  
der sev  
of the  
in Evi  
The  
extreme  
from fa  
counten

It rep  
Fences b  
guarded  
serted, b  
lence, b  
her Dest  
The  
swarmin  
pocrites,  
Devil, i  
Demons.

The C  
this was  
ment: N  
suffer'd t  
theism an  
stration,  
Reward of  
were Pers

That th  
who, by  
might reg  
rangue fr  
as Ground  
come one  
Prayers an  
Insolence,  
himself pu  
and Violenc

That the  
dition of  
the Zeal a  
But sinc  
the Charge  
cularly int  
it, and of s  
The Crim  
Sermon, w  
treat it in,  
1. To de

Th



That this Article in general, was a Charge of Sedition under several Aggravations, and made good by almost every part of the Sermon and Dedications, read before their Lordships in Evidence.

The avow'd Design of the Sermon, was to represent the extreme Perils and Distresses of the Church and Constitution from false Brethren, that were in the Administration, and countenanc'd by it.

It represented the Church in the utmost Extremity, those Fences broken down, without which she was naked and unguarded, her Altars and Sacraments prostituted, her self deserted, betray'd, undermin'd, and persecuted with open Violence, bleeding of her Wounds, her Enemies openly calling for her Destruction.

The Nation, sunk into the lowest Degree of Corruption, swarming and over-run with Atheists, Deists, Socinians, Hypocrites, Villains, Rebels, Traytors, Correspondents with the Devil, nay, with Men that were themselves the worst of Demons.

The Government, so far from applying a Remedy, that all this was done Openly, with Impunity, without Discouragement: Nay, the Persons from whom the Mischiefs arose, were suffer'd to form themselves into Seminaries, to propagate Atheism and other Hellish Principles; were let into the Administration, they were in Places, Places were given 'em as the Reward of betraying their Party, they engross'd all Places, they were Persons of Characters and Stations, nay, they were a Chief.

That this had not been done in any Representation to those, who, by making new Laws, or putting in Execution the old, might regularly cure those Mischiefs; but in a popular Harangue from the Pulpit: Not in Terms of Lamentation, not as Grounds of Humiliation, or in a Language that might become one that thought the only Arms of the Church to be Prayers and Tears; but with all Malice, Bitterness, Reviling, Insolence, endeavouring to raise in his Auditors the Passions himself put on, and pointing out (as far as he dar'd) to Arms and Violence for a Cure, and not so much as offering any other.

That those were the Colours in which he painted the Condition of the Nation, and in that Manner he chose to shew the Zeal and Duty he profess'd to the Best of Queens.

But since he pretended in great Measure to deny or evade the Charge, it might not be amiss to look a little more particularly into his Sermon, and take a View of the Scheme of it, and of several Passages therein.

The Crime he profess'd to shew the Mischiefs of in this Sermon, was false Brotherhood: The Method he propos'd to treat it in, was,

1. To describe the Crime, and to show who were false Brethren,

thren, and upon what Accounts; and he consider'd it both with respect to the Church and to the State.

2. To show the Dangers.

3. The Guilt and Folly of that Sin. And

4. (That it might appear that all the Crimes and all the Treacheries he mention'd were not mere Suppositions, but Realities, at that time,) He undertook, as a Consequence of all to shew what mighty Reason there was at all times, more especially **AT THAT PRESENT**, to stick to the Principles of the Church and Constitution, and to beware of, and mark all those false Brethren who deserted or betray'd 'em.

He said, He believ'd the first Clause of the Article then in hand would so clearly be prov'd from the Passages that more directly concern'd the second and the third, that he desir'd, for saving their Lordships Time, to begin with those two Clauses, and then to return to the first afterwards.

And therefore he began with the second Clause, *That the said Henry Sacheverell, in his Sermons and Books, did falsely and maliciously suggest, that there were Men of Characters and Stations in Church and State who were false Brethren, and did themselves weaken, undermine and betray, and did encourage and put it into the Power of others who were profess'd Enemies, to overthrow and destroy the Constitution and Establishment.*

To make this out, he begg'd leave to observe, that the Doctor, in entering upon his second Head, which was to show the great Peril and Mischief of those false Brethren both in Church and State, asserted, pag. 15. *That they weaken'd, undermin'd and betray'd in themselves, and encourag'd and put it in the Power of profess'd Enemies to overturn and destroy the Constitution and Establishment of both.* This, he said, run thro' the whole Discourse; and, being affirm'd of false Brethren in general, must be applicable to every sort of false Brother. If then there were any Persons of Characters and Stations whom he represented of false Brothers, then he had, in the place mention'd, affirm'd of THEM, and undertaken to prove, that THEY weaken'd, undermin'd and betray'd, and put into the Power of others to overturn and destroy the Constitution and Establishment.

And as to that, he came under his third Head, pag. 21. to show the Malignity and Guilt of that Sin, in respect of the World, and began it thus, (pag. 21, 22.) *What a vast Scandal and Offence must it be, to all Persons of Piety and Integrity, to see Men of Characters and Stations thus shift and prevaricate with their Principles, and starting from their Religion upon any occasion of Difficulty or Tryal, and like the Disciples flying from and forsaking our Saviour, when his Life lay at stake; to see Mens Opinions sit as loose almost as their Garments, to be put on or off for Convenience; what can unwary*

Persons  
that all  
liness is  
so much i

This,  
therhood  
exemplify  
was the  
plain, th  
having b  
undermin  
to overtur  
had not c  
sons of Ch  
betray'd,  
stitution

And in  
Articles  
Clause;  
Persons v  
said there  
False Bre  
be either

(2.) A  
themselve  
to overtur  
suggested  
mention  
and betray  
Constituti

(3.) H  
betray the  
Men of Ch

In answ  
say, that  
and Statio  
of them  
highly fo  
tion, mig  
but the M  
Governme

But thi  
those of b  
strain'd to  
intended,

And it v  
Characters  
It was n

Person

*Persons conclude from this Tergiversation and Hypocrisie, but that all Religion is State-craft and Imposture? That all Godliness is Gain, and that the Doctrines of the Church lie not so much in her Articles, as her Honours and Revenues?*

This, Serjeant Parker said, was a full Charge of *False Brotherhood* upon those *Persons of Characters and Stations*, and *exemplifying* in them the Malignity of that Crime, which was the Subject of his Discourse: The Consequence being plain, that he there charg'd 'em with false Brotherhood, and having before asserted, that *all such false Brothers weaken'd, undermin'd and betray'd, and put it into the Power of others to overturn and destroy the Constitution and Establishment*; he had not only suggested but maintain'd, that *there were Persons of Characters and Stations that weaken'd, undermin'd and betray'd, and put it into the Power of others to destroy the Constitution and Establishment*.

And in his Answer, put in before their Lordships to the Articles of Impeachment, he would divide the Charge in that Clause; and (1.) as to the suggesting that there were such *Persons* who were *False Brethren*, he said, That if he had said *there were Persons of Characters and Stations* that were *False Brethren*, not *restraining* it to the *highest*, it would not be either false, malicious, or highly Criminal.

(2.) As to the weakening, undermining, and betraying in themselves, and putting it into the Power of profess'd Enemies to overturn and destroy the Constitution, he said, he had not suggested *that* of *Persons of Characters and Stations*; but the mention of *those Persons*, and the Expression of *weakening and betraying in themselves, and enabling others to destroy the Constitution*, were twelve Pages asunder.

(3.) He mention'd some, who he thought did weaken and betray the Constitution, but had not said any of *them* were *Men of Characters and Stations*.

In answer to these Glosses, the Serjeant added, He might say, that if that were meant, *not* of the *highest* Characters and Stations, nay though it were *true* too, the affirming it of them would be Criminal, and in the Manner he did it, *highly* so; for all subordinate Magistrates, of whatever Station, might be regularly complain'd of, and call'd to account; but the Meanest were not to be traduc'd and libell'd, nor the Government upon their Accounts.

But this he offer'd, That the Words, if not *restrain'd* to those of *highest Characters and Stations*, neither are they *restrain'd* to the *lowest*; and, in Truth, struck *all*, and so were *intended*, as other Parts show'd.

And it was no Excuse, if he scandaliz'd Persons of the *highest* Characters and Stations, that he did not scandalize them *only*.

It was no Excuse, when he spoke opprobriously, in *general*



Terms of Men of Characters and Stations, without distinguishing to his *Auditory*, to distinguish upon his *Defence*, and pretend he meant only some few of the *meaner sort*; which was, that when he was speaking of the *Mischief* and *Malignity* of that Crime, and showing how *Great* it was, his Assertion concerning Men of Characters and Stations in *general*, was meant *only* of *those*, in whom the *Mischief* and *Malignity* was *least*.

No, it was a general Arraignment of the Government throughout, and as such he must Answer for it. And to put it out of Doubt, he had said, *pag. 26.* in Scripture Words, *That the Church's Adversaries were chief.*

For what he talk'd of several *Senses*, in which he said he took false Brethren in the Sermon, 'twas not at all material in *what Sense* he charg'd those Persons with false Brotherhood, if in *Consequence thereof* he charg'd them with *betraying* the Church, and empowering its Enemies to destroy it. The charging them with being false Brethren, had been a *Fault*, as *that* was a Term of Reproach, which, with him, carry'd just as much Malignity as he pleas'd, even to *something analogous to the Sin against the Holy Ghost*, and rendring them the *worst of Demons*. But the *Stress* of the Accusation, was the *Treachery* they were charg'd with as *false Brethren*.

2. In the next place, therefore, he deny'd that part of the Charge; and *shew'd Reason* he gave was, that the two Expressions were twelve Pages asunder: An Answer the Serjeant admir'd to see put in upon so solemn an Occasion! As tho' the false Brotherhood he show'd the *Danger of*, and the false Brotherhood he show'd the *Malignity of*, had no Relation to one another, because twelve Pages asunder.

3. The Doctor mention'd *some* that he affirm'd to be *Weakners and Betrayers*, &c. but said he did not suggest *those* to be *Men of Characters and Stations*. All the Inference to be drawn from which, was, either that there were besides *those*, some *other* Weakners and Betrayers, that were Men of Characters and Stations; or that *some of those* were Men of Characters and Stations, tho' he had not said so; which was no Excuse for him. For tho' he had not describ'd *every sort of Weakner or Betrayer*; and tho' he had not told which sort of Weakner or Betrayer he rank'd the Men of Characters and Stations under; yet he had in general charg'd Men of Characters and Stations with False Brotherhood, and as False Brethren to be Weakners and Betrayers, &c.

That, In the next Place, he would lay before their Lordships the Proof of the third Clause of that Article, which said, *That Dr. Sacheverell charg'd Her Majesty, and those in Authority under Her, with a general Male-Administration* Which every Part of the Sermon made out, representing the

whole N  
Magistra  
the Dist

And at  
Charge u  
the Serm  
lation to  
what they  
they were  
our Gover  
but (what  
into Bodie  
ism, Socin  
cism, Reg  
to corrupt  
it, down to  
tirpation

That th  
on the Ad  
he conclud  
Religion;  
cute the L  
when he d  
Laws and

That th  
of Charac  
what could  
to accuse t  
Brethren,  
destroy it?  
reach all i  
observ'd;  
cause in th  
those Perf  
Religion to  
the State to  
the Church  
Revenues;  
the Hands  
must be by

That at l  
"Inquisiti  
own Party  
Which wa  
Conscience  
who pay'd  
Places and  
not only su  
whol

whole Nation in the utmost Disorder and Confusion, and the Magistrates, instead of *applying* a Remedy, rather encreasing the Distemper.

And at Page the 14th there was a very home and a direct Charge upon the Government. It came under that Part of the Sermon, where he was describing False Brethren with Relation to the State: And when he had declar'd very largely what they *did*, and what they *held*; he went then to what they were *suffer'd to do*: And said, *These False Brethren in our Government do not singly, in private spread their Poison; but (what is lamentable to be spoken) are suffer'd to combine into Bodies and Seminaries, wherein Atheism, Deism, Tritheism, Socinianism, with all the Hellish Principles of Fanaticism, Regicide, and Anarchy are openly profess'd and taught, to corrupt and debauch the Youth of the Nation in all Parts of it, down to Posterity, to the present Reproach, and future Extirpation of our Laws and Religion.*

That the *suffering* those Things was a direct Charge upon the *Administration*; and he in Effect declar'd it so, when he concluded, that it was to *the Reproach of our Laws and Religion*; that is, of those that did not *mend*, or did not *execute the Law*: And he brought it home to the first Clause, when he declar'd the Consequence to be the *Extirpation of our Laws and Religion*.

That the Passage before read, Page 22. concerning Persons of Characters and Stations, likewise prov'd the same. For, what could be a greater Charge upon the Administration, than to accuse the Ministry of putting into *publick Stations False Brethren*, that *betray'd* the Church, and *empower'd* others to *destroy* it? That the Expression there was so general, as to reach *all* in publick Stations, the Serjeant said, he had before observ'd; and that it was so meant, might be made plain, because in the same Passage the Doctor was apprehensive that those Persons Behaviour should give occasion for believing *Religion to be but State-Craft*; that is, a Stratagem us'd by the State to serve it's Own Ends: "*That the Doctrines of the Church lay not so much in its Articles, as its Honours and Revenues*; which Honours and most tempting Revenues were in the Hands of the Crown, and those that were byas'd by them must be by byas'd by the Crown and the Administration.

That at Page 23. "*A False Brother was represented as relinquishing his old Friends and Principles, and betraying his own Party for the little sordid Lucre of Place or Preferment.*" Which was a plain Representation of a Villain, selling his Conscience; the Price being *Place or Preferment*, the Buyer who pay'd him that Price, must have the Disposal of those Places and Preferments; so that those False Brethren were not only *suffer'd*, but *made* such by the Administration.

For,

For P. 18, He plainly suggested, That the False Brethren he mention'd, as put into Places, were put in by our Governors, when he bid *the Governors consider* whether they were fit to be entrusted, especially with the *Guardianship of our Church and Crown*: For to what purpose was that qualify'd Admonition, if the Governors had put such Persons into no Places at all? And Admonitions to Temporal Governors, with respect to mere Matters of Government, tended only to affront 'em, if present, but could have no other Effect, when they were absent.

Which Head was concluded by the Preface to the *Derby Sermon*, without any Observation or Comment upon it, in these Words. *Now when the Principles and Interests of our Church and Constitution are so shamefully betray'd and run down, it can be no little Comfort to all those, who wish their Welfare and Security, to see, that notwithstanding the secret Malice and open Violence they are Persecuted with, there are still to be found such worthy Patrons of both, who dare own and defend them as well against the rude and presumptuous Insults of the one Side, as the base undermining Treachery of the other.* For the Serjeant omitted to repeat what had been observ'd upon the third Article, or upon the former Clause spoke to by himself.

And Return'd to the first Clause of the Article in hand, which run thus, "That the Doctor Suggested that *Her Majesty's Administration, both in Church and State, tended to the Destruction of the Constitution.*"

Which was made out from what had been said on the other two; for, if Men of Characters and Stations in Church and State, that *betray'd* the Constitution, and *encourag'd and enabl'd others to destroy it*, came into their Places thro' the *Administration*; if the general *Male-Administration of Her Majesty and those in Authority under Her*, consisted in part, in *Preferring and Encouraging*, at least not *Discouraging* those Persons that *betray'd and destroy'd* the Constitution; the necessary Consequence was, that all those fatal Mischiefs complain'd of *arose from the Administration*, which therefore plainly *tended to the Destruction of the Constitution*.

Besides, that the Doctor having involv'd all those in that Description of False Brotherhood, who defended Toleration; and having declar'd the *Church's Adversaries Chief*, considering *who was Chief* and *what Promises* had been made for Continuance of the *Toleration*: His Insolence ought to be treated rather with Indignation and Contempt, and a just Punishment, than vouchsaf'd an Answer.

That, As to the next Clause containing these Words, *And as a Publick Incendiary, he persuades Her Majesty's Subjects to keep up a Distinction of Factions and Parties, instills groundless Jealousies, and foment destructive Divisions among them,*

and excite sufficient

What blisment,

That he

still'd grou

from the D

old Friends

made to be

show the F

And the

Schismatic

that they c

no Allowa

and in som

were so we

be in the R

ly conform

lf, with th

the Church

horr'd: An

Nay, whe

to think it

defending

of the Dis

For tho' l

Consciences

nce he adm

now that d

Villains, and

Approach he

And as to

uc'd by suc

Constitution

inary, those

So as to h

lence, that

For the sp

tations of an

nd true Rel

ose in the

nd therefor

ooks, to b

Words) tha

unjust, w

ign'd or Im

That the F

a publick co

allions of th



and excites and firs them up to Arms and Violence; 'twas sufficient in short to say.

What he advanc'd against the Foundation of the *present Establishment*, and against the *Administration*, was an *Incendiary*.

That he perswaded Men to keep up Distinctions, and instill'd groundless *Fears and Jealousies* among them, was plain from the Drift of all he said, from his Language of *Forsaking old Friends and Principles, Betraying their Party*, which he made to be the great Crime of *those in Places*, and went to show the Folly of it, pag. 23.

And tho' he pretended in his Answer, that he invited Schismatics into the Church, it was only on those Terms, that they comply'd with his Notions to a Tittle: He made no Allowance for Human Frailty, for Prejudice or Ignorance, and in some Instances expressly disallow'd 'em; and those who were so weak as to fancy the Church in any Particular not to be in the Right, tho' in all others they sincerely and constantly conform'd to it, even those must continue Schismatics still; if, with those mistaken Opinions, they Communicated with the Church, they were *False Brethren*, and as such to be abhorred: And yet if they did not, they were not to be *Tolerated*.

Nay, whoever had so much Compassion for such a Case, as to think it might be Tolerated, was a false Brother too, as defending Toleration, which was giving up *one Point of the Discipline of the Church*, and encouraging Schism. For tho' he seem'd in words to approve of an Indulgence to *Consciences truly scrupulous*, yet in reality he approv'd none; since he admitted not any one to have a *Conscience truly scrupulous* that differ'd from him, but all such were *False Brethren, Villains*, and to be stigmatiz'd with all the other Names of Reproach he was so liberal of.

And as to *Fears and Jealousies*, those were naturally produc'd by such Representations of the Dangers the Church and Constitution were in; and as those Dangers were merely imaginary, those Fears and Jealousies were groundless.

So as to his inciting Her Majesty's Subjects to *Arms and Violence*, that he did it, was most manifest.

For the spreading among the People such hideous Representations of an evil Government, such Outcries, of *the Church and true Religion being undermin'd, betray'd and expos'd by those in the Administration, naturally tended to Rebellion*. And therefore at common Law, as was express'd in the Law books, to bear the People in Hand (these were the very Words) that the King's Government was erroneous, heretical, unjust, whereby the manner of the Government was Arraign'd or Impeach'd, was High Treason.

That the Passion, Heat and Violence in that Sermon preach'd in publick could be intended for nothing else but to raise the Passions of those that heard it.

The

The People being call'd upon to put on Resolution and Courage; assur'd the Cause at that Time requir'd the bravest Resolutions; exhorted to contend earnestly for the Faith, being elsewhere told against whom, against False Brethren, against the Enemies he had describ'd, such as had Places and Preferments, were Men of Characters and Stations; such as were Chief and then prosper'd, and that denounc'd, Woe against the fearful Heart and faint Hands.

That the Expression of standing by Her Majesty with Lives and Fortunes, and of Sacrificing them in Her Service, being now become a familiar Phrase, for assisting Her in War, those Expressions were affected.

That in the Dedication of the Derby Sermon he extoll'd those, who were for maintaining what he call'd forsaken Truth with their Lives and Fortunes.

And in the Sermon at St. Pauls, page 9, 10. the Readiness to Sacrifice Lives and Estates in Vindication of the Church, was represented as so Noble a Resolution, that in comparison to that, Obedience to her Precepts that is, a good Life, was but as the one thing necessary in the Gospel, only an extraordinary pitch of Perfection, only as the selling all his Goods and giving the Price to the Poor, was to an exact Observance of the whole Moral Law.

But in the Dedication of the St. Pauls Sermon the Doctor seem'd to avow this Design; he pretended not his Sermon to be Christianity, but own'd it to be Politicks, not preaching Peace, but sounding a Trumpet. For he stated the Objection that the Pulpit was not a place for Politicks, and that 'twas the Business of a Clergyman to preach Peace, and not to sound a Trumpet. And what was his answer? Did he deny the objection to extend to himself? No, he admitted, and justify'd it by Pretence of a Divine Command, and treated the Maxim laid down in the Objection with Scorn, as contrary to the express Word of God.

But the Doctor in his Answer to that last part of the Clause, seem'd first to represent it as inconsistent with the Position of the utter Illegality of Resistance to the Supreme Power on any whatsoever, and with his Professions of Loyalty to Her Majesty; and then attempted to confute it (as his Expression was) by a Passage in the Derby Sermon.

The latter whereof the Serjeant rather thought a justification of the Charge; for the Passage asserted, that every Man has by God and Nature, a Commission to Engage the Enemies of the Constitution; which were (as he had painted 'em) the Queen and Her Ministry.

The other being founded on a Supposition that the Doctor was never inconsistent, might be a very civil Complement to himself, but as it happen'd very false.

Therefore

Therefore  
particular.  
Mr. Serjeant  
ular. For  
to Arms and  
ance unlawf  
Power; but  
unlawful.  
any Pretenc  
aid, that in  
it was illeg  
the Supreme  
professed En  
ing only to  
King James  
and any Ref  
whenever he  
Mr. Serje  
had ever fin  
t, to raise S  
Administrat  
by Dr. Sache  
to appear in  
ations; if t  
Her Majesty  
Majesty's Re  
made to the  
ons attendec  
lishment; a  
blig'd, in D  
to the whol  
Manner, to a  
Gentleman co  
his Sermon  
ame Method  
Mr. Serjea  
Management  
Doctor to be  
himself to be  
loyalty to th  
r limit the l  
business of th  
By False l  
were meant,  
ere not, and  
therefore decl  
that pretende  
England, but

Therefore to consider that Part of the Answer a little more particular. As the Doctor had there manag'd the Matter, Mr. Serjeant own'd there was no Inconsistency in that Particular. For they said, *He had stirr'd up Her Majesty's Subjects to Arms and Violence*: And he said, *He had declar'd all Resistance unlawful*; that was true—all Resistance to the Supreme Power; but he had never declar'd Resistance to Her Majesty unlawful. He maintain'd the utter Illegality of Resistance on any Pretence whatsoever to the *Supreme Power*, but no where said, that in the Supreme Power he *included Her Majesty*, or that it was *illegal to Resist Her*. The utter *Illegality of Resistance to the Supreme Power upon any Pretence whatsoever*, Her Majesty's professed Enemies would come into, and labour for; meaning only to condemn the Resistance that had been made against King James the Second, and brought about the Revolution, and any Resistance that *should be* made against the Pretender whenever he might come; and Dr. Sacheverell went no further. Mr. Serjeant affirm'd That those Enemies of Her Majesty, had ever since the Revolution, made it their business, to blacken it, to raise Scruples in Peoples Minds about it, and to make the Administration odious: That the same Methods were advanc'd by Dr. Sacheverell into the Pulpit; and if those Methods were to appear in the greatest Assemblies, on the most solemn Occasions; if the Revolution was to be *attack'd* on a Day when Her Majesty had appointed it to be *Commemorated*; if Her Majesty's Reign was to be arraign'd in Publick, and an Appeal made to the Passions of the People; with whatsoever *Professions* attended, it equally struck at Her Majesty and the Establishment; and the Commons could not but think themselves oblig'd, in Duty and Gratitude to Her Majesty, and in Justice to the whole Nation, to call him that us'd 'em after that manner, to a publick Account: And how much soever that Gentleman commended his own Loyalty, 'twas plain that in this Sermon he was doing the very same *Work*, and in the very same *Method*, with those that *disown'd Allegiance* to Her Majesty. Mr. Serjeant begg'd leave to observe a little the Doctor's Management of that Text; and therefore would suppose the Doctor to be *right* as to his *Doctrine*, and that he believ'd himself to be so; and that he was *since* in his *Professions* of Loyalty to the Queen. For he was not then going to dispute or limit the Doctrine of Non-Resistance, which had been the business of those Gentlemen that spoke the first Article. By *False Brethren* (he said) in the Text of the Sermon were meant, those who *pretended* to be Christians, but really were not, and Dr. Sacheverell seem'd so to understand it; and therefore declar'd those to be *False Brethren in the CHURCH*, that pretended to be of the Communion of the Church of England, but were not; that liv'd in its Communion, but own'd



own'd not its Doctrines and Authority. By like Analogy, *False Brethren in the STATE* were such, as perhaps swallow'd the Oaths to the Queen; or if they went not so far, yet took the Benefit of Her Laws, Her Courts, Her Protection, yet deny'd Her Allegiance, and were for another Prince. That a just and well-manag'd Reproof of those had been a noble Topic for one that pretended so much Zeal for the Queen; but *they* were wholly pass'd by, *they* were not to be blam'd, there was no Danger from *them* either to Church or State. Who then, according to the Doctor, were *False Brethren in the State*? (He had been put to it to substitute some others in their Place.) They must be only those who *one way or other* oppos'd the Doctrine of *Non-Resistance upon any Pretence whatsoever*, whom he describ'd in several invidious Instances, and in all possible Terms of Reproach. This to Serjeant Parker, seem'd strange; for that

1. This being, as the Doctor stated it, an Error in a Doctrine of the Church, the holding it was only one Branch, one Instance of *False Brotherhood in the CHURCH*; and therefore not so proper to stand for a distinct Head of *False Brethren in the STATE*.

2. The bare denying or not believing the Doctrine of Non-Resistance, supposing it true, did not denominate a Man a *False Brother in the STATE*.

For supposing a Man own'd the Queen's Title, were satisfi'd with Her Administration, in Love with Her Reign, convinc'd that She had principally at Heart his Interest, and the true Interest of all Her Subjects; believ'd that upon the Continuance and Quiet of Her Government depended the Preservation of our Liberties, and those of all *Europe*, and accordingly obey'd and serv'd Her with Sincerity and Zeal, and thought all Resistance to Her utterly unlawful; was this Man a *False Brother in State*, a Rebel, a Traitor, because he thought Resistance had been lawful at the Revolution, and might be whenever the same Breaches of the Constitution were repeated?

Would he be a Rebel to *THIS QUEEN*, because there possibly might happen a Case, wherein he might resist another Prince, if that Prince should do what he was sure *SHE* never would?

At most, that Mistake only expos'd such a Person more easily to be misled: He might be in more Danger of becoming a Rebel to a Prince, he should be dissatisfied with, but was therefore a Rebel to a Queen, he lov'd.

How then came that single Instance of False Brotherhood in State to be insisted on, which at most shew'd, not that the Person was, but only that perhaps he might become a *False Brother*; and those Instances pass'd over, where Persons plainly were *False Brethren in State*?

Besides, *the* *amental* *D* *ne* *would* *be* *from* *it*: *O* *Zeal* *as* *th* *amphantly* *allen* *in* *so* *much* *use* *ebellion*; *in* *the* *Admi* *to* *make* *not* *to* *let* *th* *uty* *to* *the* *that* *purp* *All* *which* *Doctor* *was* *He* *therefo* *accordingly* *Queen*, *but* *her* *his* *rig* *consistent*, *ly* *just*. *In* *Consequ* *Doctor* *durst* *nder*, *yet* *n* *the* *State*; *ersons* *who* *otion* *of* *Fa* *those* *that* *nd* *particular* *on*; *for* *th* *cause* *they* *ected* *here* *As* *long* *as* *t* *ve* *no* *Title*. *the* *Revolu* *would* *stand* *ccession* *of* *t* *ne* *whatever* *ave*, *all* *that* *ally* *barr'd*, *ourse* *of* *De* *would* *have* *ha* *That* *this* *P* *aking* *the* *Ma* *ainst* *those* *v* *ase* *of* *the* *Re* *the* *Basis*,

Besides, That this Doctrine being, as the Doctor said, a *fundamental Doctrine in State*, urg'd with *Warmth* and *Vehemence*, he would have expected some *Inference* to have been drawn from it: One would have expected that he, who had so great Zeal as the Doctor profess'd for Her Majesty, and had so triumphantly establish'd absolute Non-Resistance, would have fallen in so far with the *Business of the Day*, and have made so much use of his *Favourite Doctrine*, as to *disswade* from rebellion; and when he had taken Notice of those false Steps in the Administration, that he should have perswaded the People to make proper Applications for Redress, but to be careful not to let the *Faults of the Ministry* cause 'em to forget their *Duty to the Queen*. But there was not the least Exhortation to that purpose.

All which seem'd strange, taking it for granted, that the Doctor was sincerely zealous for the Queen.

He therefore desired leave to make another Supposition; and accordingly suppos'd that Zeal to be only *pretended* to the Queen, but *really* for another, and that the Doctor thought the other his rightful Prince, and so their Lordships would find, all consistent, every Expression, and the whole Procedure, extremely just.

In Consequence of which *conceal'd* Sentiment, though the Doctor durst not directly commend those who own'd the Pretender, yet neither would he reprove them as *False Brethren in the State*; they being, according to his Opinion, the only Persons who perform'd their Duty in it. Therefore the *true* notion of False Brotherhood was to be dropt; and instead of those that held Resistance lawful in Cases of *Extremity*, and particularly in that of the *Revolution*, were to be fallen upon; for they were really Rebels and Traitors in his Sense, because they directly overthrew all the Title, which the Disaffected here would fancy for the Pretender.

As long as the *Revolution* stood unimpeach'd *that Person* could have no *Title*, how favourable soever his Pretence might be: If the *Revolution* stood, the *Laws* which were founded upon it would stand too, and those Laws concerning the *Right and Succession* of the Crown, were absolutely binding; and therefore whatever *Right* he *could wish* People to believe him to have, all that Right, all *that Pretence* of Right, was as effectually barr'd, as all the Right, which those who stood in the course of Descent before the Princess *Sophia* of *Hanover* would have had but for the Act of Settlement.

That this Principle was *fundamental* to the Pretender; and taking the Matter in that Nature, accounted, for all that Rage against those who disputed that Doctrine, *as extended* to the case of the *Revolution*, and for his so often repeating that to be the *Basis*, the *Fundamental Principle* of the Constitution

Which clearly show'd why neither in the *Sermon*, nor *Defence*, he had once maintain'd the *Illegality of Resistance to Her Majesty*.

It show'd why that *fundamental Principles* was totally forgot to be press'd by him upon the People; no *Inference* from it that those *Mismanagements* ought not to make them forget their *Duty to the Queen*; not one *Perswasive* to *Obedience to Her*; not one *Admonition* against the *Consequence of Falshood* in the *State*, that it was apt to make People rebel; no *cooling* the People, with telling 'em That *Prayers and Tears* were the only *Arms* of the *Church*, that they ought to do their *own Duty*, submit *wholly to the Queen*, and *those* *Authority* under *Her*, and leave the rest to *God*. That those were the natural *Consequences* of the *Doctrine of Non-Resistance*, so violently contended for, but not one of them put su'd or mention'd.

And perhaps that had made him chuse to describe the *Condition of the Church*, P. 26, in the *Words of the Prophet* in the *Lamentations*, which are in *ch. i. ver. 4. 5.* (tho' not truly cited in his printed *Sermons*; ) *The Ways of Sion mourn for a time, and her Gates are desolate, her Priests sigh, and she in Bitterness, because her Adversaries are chief, and her Enemies* **PRESENT** prosper.

*Serjeant Parker* said, That Book had been writ just after *Nebuchadnezzar's* taking *Jerusalem*; and the *Condition of the Jews then*, which the *Doctor* thought proper to give an *Image of England's* at that Time, was,

That *They* were *in slav'd*, their *King* in a *Foreign Country* strip'd of his *Crown*, and the *Prince then Reigning* was an *Oppressor*, who had no other *Title*, but *Possession and Force*.

So the *Doctor*, out of his *tender Concern for Her Majesty's Person and Government*, had thought fit to express his *Sermons*.

That, *The last Part* of the *Charge* was that of *Wrestling and Perverting divers Texts and Passages of Holy Scripture*. Which might not perhaps seem so proper for him to speak to, but being part of his *Province*, he should apply to it without any *Apology*.

That, As wicked and corrupt as *Doctor Sacheverell* would represent the *Nation*, he very well knew, that the *Holy Scriptures* were had in such just *Veneration and Regard*, that whatever was cited then had a particular *Influence* upon the *Minds* of the *People*; whatever *Story* could be brought thence as a *Parallel*, whatever *Expressions* taken thence were made use of to paint the *Beauty*, the *Deformity*, the *Dangers* of the *Preacher's Subject* gave a strong *Impression*, fir'd the *Zeal* of the *People*, alarm'd their *Passions*, and made 'em fancy they heard the *Voice of God*, when they hear'd *His Words* repeated.

The *Doctor* knew so much, and their *Lordships* would know what use he made of it.



When he spoke of the *Perils of the Church*, which *Her Majesty*, their *Lordships*, and the *Commons*, could not see, the *Scripture* was to be search'd for a *Story*, that might be brought to match the *Case*, and to give an opportunity, under other *Names*, to speak a *bold Falshood* concerning all *those*.

That it happen'd there was one *remarkable Story* in the *Holy Scripture* about a *Mistake of Danger*, but unfortunately it *suited not* the *Case*, as told *there*, however it *gave a handle*, and he could *make from it a Story to his purpose*.

And accordingly he said, *page 21. When Elisha the Great Prophet of God was surrounded with an Host of Enemies that sought for his Life, his Blind Servant beheld not the Peril his Master was in, till his Eyes was open'd by a Miracle, and he found himself in the midst of Horses and Chariots of Fire.*

This *Story thus* told was extremely happy for him, for hence the *People* were to understand *him* to be the *Inspired Prophet*; and the *Queen, Lords and Commons*, blind at least, *no not his Servants*.

But the *Story in Holy Writ* was directly contrary, and on the *blind Servant fancy'd* they were in *Danger*, when *really* they were not.

That the *Story* was in *2 Kings Chap. 6.* and told there, after this manner, *The King of Syria, at War with Israel, being inform'd, that what he said in his Bed-chamber was told to the King of Israel by Elisha the Prophet, resolv'd to seize Elisha; and hearing he was at Dothan, ver. 14. (to give their Lordships the very Words) He sent thither Horses and Chariots and a great Host, and they came by Night, and compass'd the City about. Ver. 15. And when the Servant of the Man of God was risen early, and gone forth, behold an Host compass'd the City both with Horses and Chariots, and his Servant said unto him, Alas, my Master, how shall we do? (this was the blind Servant the Doctor said, saw no Danger) Ver. 16. And he answer'd, Fear not, for they that be with us are more than they that be with them. Ver. 17. And Elisha pray'd and said, Lord, I pray thee open his Eyes that he may see; and the Lord opened the Eyes of the young Man, and he saw, and behold the Mountain was full of Horses and Chariots of Fire. And for the Doctor's Exposition it was that that *Heavenly Guard*, those *Horses and Chariots of Fire*, which were there only to defend the *Prophet*, were to *destroy him*; and from *them* arose the *Danger*, which the *Doctor fancy'd* the miraculous opening the *Servant's Eyes* had disclos'd to him.*

He therefore thought he might give the *Doctor his Choice*, that that proceeded from, whether from his *not knowing* that *Passage*, but taking it upon *Hearsay*, or his *Resolution knowingly to pervert* it.

That the next *Passage* was, *pag. 26. the Words of St. Paul, Eph.*

*Eph. 6.* with which, after a Discourse where all the social and good-natur'd Virtues were taught in the highest Perfection; where the Apostle had recommended, *Chap. 4. ver. 2.* *Lowliness, Meekness, Long-suffering, forbearing one another in Love, endeavouring to keep the Unity of the Spirit in the Bond of Peace;* where he had commanded, *v. 31.* that all *Bitterness, and Wrath, and Anger, and Clamour, and Evil-speaking be put away, with all Malice;* and *ver. 32.* that those to whom he writ should be *tender-hearted, forgiving one another, even as God for Christ's-sake had forgiven them;* (*ver. 27.*) that had forbidden giving place to the Devil, but not to any other; the Apostle concluded, that in such a *Spiritual Warfare*, and that they might be able to withstand the *Wiles of the Devil*, they should put on the whole Armour of God, because they wrestled not against *Flesh and Blood*, but against *Principalities, against Powers, against the Rulers of the Darkness of this World, against spiritual Wickedness in high Places.*

The Doctor, after a Discourse full of *Bitterness, Reviling Wrath, Clamour and Evil-speaking, forbearing no Man in Love, nor forgiving any that differ'd from him one Tittle* and having shown other *Devils incarnate*, (*pag. 23, 25.*) the worst of *Demons*, other *Powers*, others in *Places and Stations* against whom his Auditors were to contend earnestly, repeated those Words, not in the *spiritual Sense* the Apostle had us'd 'em but, as the whole Subject and Drift of his Discourse show'd as an odious Description of the Government, in Scripture Words and whether he meant the Armour in the Apostle's *Spiritual Sense*, any more than any of the other Words there, or whether he intended it a literal earthly Armour, which the Cause would make the Armour of God, he left to their Lordships to determine. However, 'twas no Defence for him, what he said, that the *Arms of Resistance to Princes was no part of the Spiritual Armour* recommend by St. Paul, because he had plainly departed from St. Paul's *Spiritual Meaning*.

And that such was his Meaning, to paint there the Nation present Circumstances in Scripture Language, plainly appear from what follow'd, that the Church was *bleeding of the Wound which she had receiv'd in the House of her Friends, borrow'd from Zech. 13. ver. 6.* That the *Ways of Sion* might mourn for a Time, and her Gates be desolate, tho' her Priests sigh'd, and she in *Bitterness, because her Adversaries were Chief, and her Enemies AT PRESENT prosper'd.* He said he had observ'd from what Circumstance of the Jews that Image was borrow'd and their Lordships would not take notice, what Changes in the Expressions he had made, to render them more *Emphatic*.

That there could be no greater perverting of Scripture, than to make use of the Language of the Holy Ghost, to revile our Neighbours, to scandalize the Government, and to raise *Wrath, Sedition and Rebellion* in the People.

There  
dication  
Objection  
Peace, an  
be expres  
Command

Isa. 58. 1

Which

to Men o

That to i

found a Tr

Or if h

spare not,

their Trans

indeed fou

for it did n

per, in the

was theref

that they n

loudly to re

was not th

overnment, t

Rebellion?

If the De

to comman

er him to

Priests were

in the Field

from the Pr

He said,

on that Hea

But there

which he co

The first v

which charg

illustration, in

Constitution;

Article he w

at Suggestin

uations, sh

Guilt and Pu

Mr. Serjeant

the labour to

ed; for tho'

with a gene

ative, that a

step up Partie

to Arms an

Therefore the last he should mention, was that in the Dedication of the St. Paul's Sermon, where proposing it as an Objection, that it was *the Business of a Clergyman to preach Peace, and not to sound a Trumpet in Sion*; he affirm'd that to be *expressly contrary to the Command of God*; and to prove that Command, cited those Words, *Cry aloud, and spare not*, out of *Isa. 58. 1.*

Which he apprehended to be not only *perverting*, but that to Men of Understanding it would seem *ridiculing* Scripture. That to infer, because they were to *speak loud*, they were to *sound a Trumpet*, seem'd ridiculous.

Or if he had cited the rest of the Words, *Cry aloud and spare not, lift up thy Voice like a Trumpet, and show my People their Transgression, and the House of Jacob their sins*; he had indeed found the Word Trumpet, but little to his Purpose; for it did not follow because the Prophet was to imitate a Trumpet, in the Loudness, that the People might bear, that he was therefore to imitate it too as it is an *Instrument of War*; that they might *prepare themselves for Battel*. Because he was loudly to tell 'em their *own Sins*, that they might *repent*, he was not therefore to Trumpet to 'em the Faults of the Government, that they might take up Arms, and redress 'em by Rebellion?

If the Doctor found any other Place in the Old Testament to command the Priests to sound a Trumpet, he should refer him to the 10th of *Exodus*, where he would find the Priests were *literally* to sound the Silver Trumpets in the Army; in the Field, but he would not find they ever sounded them from the Pulpit.

He said, he should offer nothing farther to their Lordships on that Head, tho' there was room for it.

But there were two things in the Answer to that Article which he could not omit taking Notice of.

The first was in his Answer to the first part of that Article; which charg'd him with *Suggesting, that Her Majesty's Administration, in Church and State, tended to the Destruction of the Constitution*; where he took great Comfort that in the said Article he was charg'd not with *Suggesting and Maintaining*; but *Suggesting only*, and hop'd that bare Suggestions, or Innuendoes, should not involve an *English Subject* in the Guilt and Punishment of High Crimes and Misdemeanours. Mr. Serjeant said, he did not envy him his Comfort, nor should he labour to take it from him, tho' it seem'd *strangely* founded; for tho' it was *expressly* said, that he charged *Her Majesty with a general Male-Administration*, tho' the Accusation were *obscure*, that as a publick Incendiary he persuaded the Subjects to *take up Parties, fomented Divisions amongst them, and stir'd them to Arms and Violence*, and perverted divers Texts of Scripture;



ture; notwithstanding all these positive Charges, yet the first Expression happening to be only, Suggest, and not, Maintain, it seem'd he was very happy in it.

But that was an extraordinary Step, that let a Man cast never so many Scandals and Reproaches on the Government, tho' in never so publick a Manner, yet if it were done by way of Suggestion and Insinuation, and the Charges not expressly maintain'd and avow'd, there was no Crime in it, or, not any high one. Which was in short, that Sedition, and expoling the Government, was lawful; only the Manner was to be taken care of: It was not to be done directly and avowedly, for that would be dangerous; but it might be done by Suggestions that every Body would understand, and which would have their full Effect, and all was safe: For that those who came to judge were not to understand it, though every Body else did.

That there were two extraordinary Claims of Right before their Lordships, and of great Consequence, if they allow 'em; one, that the Clergy might sound a Trumpet in Sion, in a Military Sense, and were not to be restrain'd to the Preaching of Peace; the other, that every Englishman was at Liberty to asperse the Government at Pleasure, by whatever Suggestions and Insinuations he pleas'd; and those made by a Warm Advocate for Passive Obedience, the most peaceful and submissive Doctrine in the World.

That in the Case *de Libellis Famosis*, in the fifth Report, there had been a Prosecution for a Libel, not indeed set forth at large in the printed Book, (which had not been fit) but so far particularly taken notice of, that it traduc'd and scandaliz'd one Person dead, and him an Archbishop, by Descriptions and Circumlocutions, and not in Express Terms; and no Body had ever doubted it's been Criminal. Yet tho' there should have been greater Strictness observ'd in respect of private Persons; when the Queen and Government were concern'd, when All lay at Stake, a Man ought to guard himself, and his Expressions, not to touch in the least there; and every Man that was truly Loyal, and desir'd the Peace of his Country, would do it: And knavish Designers against the Publick Peace were not to be suffer'd to go on in overthrowing it, because they had contriv'd crafty Ways of doing it.

This, he said, he mention'd only to oppose the present Claim, tho' in that Case the Reflections were plain and full.

The other was the Doctor's Lamentation at the Close, which the Serjeant could not but take Notice of as an insolent Reflection on the Honour and Justice of the House of Commons: The Words of it thus, " Hard is the Lot of the Ministers of the Gospel, if when they cite the Word of God in their general Exhortations to Piety and Virtue, or in the Reproofs of Mens Transgressions, or when they are lamenting the Difficulties

" and C  
" litant  
" Texts  
" by the  
" confid  
" Confi  
" Crime  
" This  
way of I  
and lay l  
Doctor J  
as a Cler  
He ask  
was an h  
Wheth  
at that p  
being; t  
Words,  
close enc  
Wheth  
or were  
a shewin  
cure 'em,  
posing the  
they mig  
Wheth  
so warm  
Submissive  
deny'd it  
taught in  
Name th  
according  
a Party; a  
recommen  
the whole  
To con  
justest Ven  
were Glo  
Preaching  
Religion,  
look'd upo  
Instrument  
vey'd ines  
Church Est  
pery, and  
to the Cle  
found them  
manner on  
" and

“ and Conflicts, with which the Church of Christ, while Mi-  
 “ litant here on Earth, must always struggle, the several  
 “ Texts and Passages by them cited, shall be said to have been  
 “ by them meant of particular Persons and Things, and shall be  
 “ consider’d in the most criminal Sense, and be made by such  
 “ Construction one Ground of an Impeachment for High  
 “ Crimes and Misdemeanors.

This Mr. *Sergeant* said had been put into the Answer, not by way of Defence, but to print it before it came to be consider’d, and lay hold of that as an Handle, as had been done, to say Doctor *Sacheverell* had been prosecuted only for *doing his Duty as a Clergyman*, which was a scandalous Reflection.

He ask’d, whether the Story of *Elisha*, as told by the Doctor was an honest Citation of a Passage of Scripture?

Whether *Enemies* that were chief, and the *Adversaries* who at that present prosper’d, were no particular Persons, then in being; tho’ to the Scripture Expression he had added the Words, *At Present*, for fear the Application should not be close enough?

Whether that Sermon was an *Exhortation to Piety and Virtue*, or were not manifestly a *Trumpet to Rebellion*? Whether it was a shewing the Audience their own *Faults*, that they, might cure ’em, and amend their *Lives*; or were not plainly the exposing the *Faults* of others, the *Faults of their Governors*, that they might hate the *Persons*?

Whether even the Doctrine of *Passive Obedience*, was there so warmly contended for, that people must be *Dutiful* and *Submissive*, or that they might be *enraged* against those that deny’d it? And in short, whether *one Christian Vertue* were taught in it? Except their Lordships would honour with that Name the sticking, not to the *Church* and *Christianity*, but, according to the Doctor’s own Expression in another Place, to a *Party*; and *Courage*, not only a *Passive*, which he no where recommended, but an *Active* against the *Government*, to which the whole Discourse incited?

To conclude he said, The *Commons* had the greatest and justest *Veneration* for the *Clergy* of the Church of *England*, who were *Glorious* through the whole *Christian World* for their *Preaching* and *Writing*, for their *Steadiness* to the Protestant Religion, when it had been in the utmost Danger. They look’d upon that *Order* as a *Body of Men*, that were the great *Instruments* thro’ whose Assistance the Divine Providence convey’d *inestimable Advantages* to them: They look’d upon the *Church Establish’d* as the best and surest *Bulwark* against *Popery*, and that therefore all *Respect* and *Encouragement* was due to the *Clergy*, and it was with *Regret* and *Trouble* that they found themselves oblig’d to bring before their Lordships in such manner one of that *Order*.

But when they consider'd Doctor *Sacheverell*, stripping himself of all the becoming Qualities proper for his Order, nay of all that peaceable and Charitable Temper which the Christian Religion requir'd of all its Professors, deserting the Example of our Lord and Master, and of His holy Apostles, and with *Rancour* and *Uncharitableness* branding all that differ'd from him, tho' thro' Ignorance, with the Opprobrious Titles, of *Hypocrites*, *Rebels*, *Traitors*, *Devils*, reviling them, exposing them, conducting 'em to Hell, and leaving 'em there; treating every Man that fell in his way worse than *Michael* the Arch-Angel us'd the Devil; coming himself nearer the Character in *St. Jude*, part of which he wou'd have apply'd to others, despising Dominion, speaking evil of Dignities, like raging Waves of the Sea, foaming out his own Shame; forgetting, when his Text and his Doctrine led to it, to recommend the Peace of his Country in a Time when all Europe was in War, and nothing could preserve the Nation from falling into the Hands of the grand Enemy and Oppressor, but the People's Unanimity under Her Majesty; then labouring to sap the Establishment, and railing and declaiming against the Government, crying, to Arms, and blowing a Trumpet in *Sion*, to engage his Country in Seditions and Tumults, to overthrow the best Constitution, and to betray the best Queen that had ever made a People happy, and that with Scripture in his Mouth.

That the Commons look'd upon him by that Behaviour, to have sever'd himself from all the rest of the Clergy, and thought it their Duty to bring to Justice such a Criminal; and were in no fear of being thought Discouragers of those who preach'd Virtue and Piety, because they, in the Supreme Court of Justice, prosecuted him that preach'd Sedition and Rebellion; or to have any Design to lessen the Respect and Honour that was due to the Clergy, by bringing him to Punishment that Disgrac'd the Order.

After Sergeant *Parker* Mr. Secretary *Boyle* told the Lords, He was commanded by the House of Commons to have a Share in Maintaining the Articles of Impeachment against Dr. *Sacheverell*; and it fell to his Lot to speak to that Fourth Article, which contain'd no less a Charge than Endeavouring to Excite and Stir up Her Majesty's Subjects to Arms and Violence.

That, the Ground of that Accusation, was the Dedication of a Sermon Preach'd at *Derby* at the last Assizes; and another Sermon Preach'd at *St. Paul's* on the fifth of November, a Day set apart to commemorate the Preservation of the King and Parliament from the Gunpowder Treason, and to give Thanks to Almighty God for the Deliverance wrought by his late Majesty, in rescuing these Kingdoms from Popery and Arbitrary Power.

That happy R thankful that Ma expos'd; to asperl see anoth

That h so far, as made goo fore their fore: An Particula had been ple, and t on her M

For it the Churc severe Per and that r Aspersions liv'd in the as they w vernment

That th Word sug already re there were Charge; h were far fr it allow'd, of the G ous Suggest punity, un equivocal S lice of the hardly be

That the one Part of but if those that were would not r than the Pr when he co believ'd wo Sincerity in He said, I stir up Sedi



That the whole Nation then enjoying the Benefit of that happy Revolution, and all her Majesty's good Subjects being thankful for it. One would have thought, that on such a Day, that Matter should not have been so handled as only to be expos'd; and he was perswaded, that whoever went about to asperse and vilify the late Revolution, would rejoice to see another.

That he should not trespass upon their Lordships Patience so far, as to repeat the many Passages in the Sermon that made good their Accusation, they having been so fully laid before their Lordships already by a Gentleman that Spoke before: And indeed there was the less Reason to descend into Particulars, since the whole Scope and Design of the Sermon had been to instil groundless Jealousies into the Minds of People, and to cast the most virulent Reflections imaginable upon her Majesty's Administration.

For it might be suppos'd from the Doctor's Discourse, that the Church of *England* had been then suffering under the most severe Persecution; That the Laws were no longer in Force; and that the whole Government was unhinged: than which Aspersions more violent could not have been us'd, had they liv'd in the Reign of the worst of Heathen Emperours, whereas they were Partakers of so many Blessings under the Government of the best of Queens.

That the Prisoner at the Bar lay'd some Strefs upon the Word *Suggest*, as express'd in the fourth Article, which had already receiv'd an Answer, and would have insinuated that there were no plain Words in the Sermon to support the Charge; but if that Objection had been true, which they were far from admitting, and the Consequences drawn from it allow'd, he might then say, Hard would be the Case of the Government, if Men might make the most odious Suggestions against it, and cast Reflections with Impunity, under the Shelter of some doubtful Expressions, and equivocal Sentences, at the same time that the Sense and Malice of the Reflections was plain to be understood, and could hardly be mistaken.

That the Doctor did indeed affect in his Answer, and in one Part of his Sermon, to profess great Duty to her Majesty; but if those Expressions were compar'd with the Calumnies that were heap'd upon her Administration, he conceiv'd they would not mitigate his Crime, and would avail him no more than the Pretence he made to be for Liberty of Conscience, when he condemn'd the Toleration; which Excuses Mr. *Boyle* believ'd would equally weigh with their Lordships, and his Sincerity in both would equally appear.

He said, It was no new Thing among those who design'd to stir up Sedition, to bestow great Encomiums on the Person of

the Prince; it had been a common Practice, and the same Method had been pursu'd in the late unhappy Times. The Incendiaries of those Days pretending that the Protestant Religion was in Danger under that Government, as the Enemies of the present Constitution cry'd the Church was in Danger under this.

But that every thing was in Danger from such seditious Discourses: For what a Scene of Distraction and Wickedness was there display'd to the Understandings of the People, to excite and inflame them to Sedition and Rebellion? Who could sit still, if they were perswaded that *the Altars and Sacraments of their Church were prostituted to Hypocrites, Deists, Socinians and Atheists, and that done with Impunity, and without Discouragement?* What could be more provoking to all good Christians and good Subjects, than to be told that *People were suffer'd to combine into Bodies and Seminaries, wherein Atheism, Deism, Tritheism, Socinianism, with all the Hellish, Principles of Fanaticism, Rigueur, and Anarchy, were openly profess'd and taught.*

No Man could think he was long to enjoy his Religion, Liberties or Property, if he cou'd be made to believe that *the Foundations of the Church were undermin'd, and the Government endanger'd, by filling it with its profess'd Enemies:* and What could be the Meaning of all that but only to make out, that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tended to the Destruction of the Constitution? And what could be the Consequence of such an Opinion instill'd into the Minds of the People, but dismal melancholy Thoughts, seditious Practices, and at last open Force and Violence?

The Priests were to *cry aloud and spare not*, they were to *blow the Trumpet in Sion*; and it was declar'd there were those that had Lives and Fortunes to maintain such Truths as Doctor Sacheverell had laid down: What those Truths were might be seen through the whole Course of the Sermon; they were such, as was apprehended did not at all tend to the Strengthening the present Government, tho' they might be serviceable towards Setting up another.

This he said was not the Spirit of the Gospel, nor agreeable to the Principles of the Church of *England*; and they submitted it to their Lordships Judgment, whether that Sermon were not Seditious, and whether the Prisoner at the Bar was not guilty of high Crimes and Misdemeanors.

Mr. Chancellor of the Exchequer spoke next to this Effect.

That he was commanded by the Commons of *Great Britain* to bear his Part in the Management of the Impeachment against Doctor *Henry Sacheverell*, and particularly on that Article. And believ'd after what their Lordships had already heard they would think there was little Need for him to say any thing

thing on t  
tion a few

And fir  
Preach'd  
they enjoy  
particular  
that were  
a little in  
volution t  
the Dang  
votion o  
Deliveran  
show the  
Dangers  
so that in  
that Deli  
Times.

That, t  
to attem  
could rai  
Mischief  
it; but C  
himself a  
of the C

Mr. C  
where th  
second th  
Sermon,  
compos'd  
give up t  
dangerous  
phecy, th  
when it  
sended f

That  
ing still,  
of those  
lasie Def  
whom th  
who un  
must ne  
and upo  
of the C  
of his S  
was not  
Ministe  
Peace,  
were.

thing on that Head, yet he should take the Liberty to mention a few Particulars.

And first he could not but take Notice, that in a Sermon Preach'd on a Day appointed to Commemorate the Blessings they enjoy'd by the late happy Revolution, there was not one particular Clause to show forth those Blessings, or the Mischiefs that were then likely to have come upon the Nation; there was a little indeed upon the Gunpowder Treason, but upon the Revolution there was nothing, nor did the Doctor take Notice of the Dangers they were in before it, in order to raise the Devotion of the People, and their Thanks to God for their Deliverance; but all the Tenor of his Discourse had been to show the Male-Administration of the Government, and the Dangers coming upon the Church, ever since the Revolution; so that it was plain he had no Thoughts of the Blessings of that Deliverance, nor any Dislike to the Conduct of those, Times.

That, the Sermon had been preach'd in a Place well chosen to attempt Mischief in; the Doctor well knowing that if he could raise an evil Spirit in that great City, it would do more Mischief than in another Place where he had often attempted it; but God be prais'd he had been disappointed, and own'd himself at another Time that he did not expect the Thanks of the Court of Aldermen for it.

Mr. Chancellor said, he would take notice of his Dedication where the Doctor carry'd on the same Design, and own'd it on second thoughts; for he was not only warm in Preaching the Sermon, but show'd in his Dedication with what Spirit he had compos'd it; saying, *That if honest Gentlemen would sit still, and give up their Cause for want of Courage, or a just Sense of the dangerous Attempts of their Enemies, without the Spirit of Prophecy, they might foretell what would become of their Constitution, when it was so vigorously attack'd from without, and so lastly defended from within.*

That he would not explain the Meaning of the Words, *Sitting still*, and *Want of Courage*; yet could not but take Notice of those other Words, *the vigorous Attack from without, and the last Defence from within.* And therefore would desire to know whom the Doctor took to be the Defender of the Faith, and who under that Defender was to protect the Church; which must necessarily be meant as a Reflection on Her Majesty, and upon those that under Her Authority were to take Care of the Church. That the next Passage was a plain Confession of his Seditious Intentions; where he told them his Business was not to Preach Peace, but to sound the Trumpet, and if a Minister would declare it not to be his Duty to Preach Peace, their Lordships would easily judge what his Intentions were.



That he knew it was the Business of those who were Protestants to that Gentleman, to give out that there was a design to Narrow the Obedience due to Her Majesty; but, they were far from it, and own'd the greatest Duty and Submission to their Sovereign, but could not bear that a Reflection should be cast upon the Resistance which had been us'd at the Revolution, and hop'd their Lordships would never admit a Question to be rais'd of the Legality of it.

The Acts of Settlement of the Crown depending upon that Legality, if that were Illegal the others in Consequence must be void; and tho' Her Majesty had an Hereditary Right to the Crown, yet he took those Acts to be Her great Security, and could make no Question but that if the Foundations of those Acts were shaken, the Doctor would soon find another Hereditary Right to resort to.

That the Toleration was certainly grounded upon the best Principles, those of Religion and Policy, and he thought every Body would allow, that Nothing could Establish Peace in a Kingdom so well as the granting Ease and Quiet to Mens Consciences; provided they pay'd due Submission to the Government, they ought not to be Persecuted for their Religion; which was for Her Majesty's Interest and Honour; for how could Her Majesty be the Head of the Protestant Interest abroad, if Protestants were not Protected at home?

And it had been the Observation of the Lord *Clarendon*, in his History, that some Eminent Clergymen having prest King *Charles* the First to make Distinctions among Protestants, by their Advice his Ambassador in *France* had been order'd not to go to the *Hugonot* Churches there, as he had us'd to do; which that Lord laid as an Imputation on those that gave the Advice, and made this Remark, That it had been done with a Design of an Union with the Church of *Rome*, which prov'd of very ill Consequence to his Affairs at that time.

He said, they thought it contrary to the Duty of any Private Man to find Fault with a Law in Being, or to declaim against the Reasonableness of the same, which was raising in the People an ill Opinion of the Law-givers and the Administration.

And there were some People, he wish'd their Numbers did not increase, who would not allow the Church to be out of Danger, whilst the Civil Magistrate had the Government of the Church; and those appear'd publickly and in Print, cancelling the Queen's Supremacy, denying the Authority of the Laws, and erecting a Church Independent on the Civil Government; of which Church he took the Doctor to be, and very properly for his Purpose, for there he might thunder out his Bulls and Anathema's without Controul, there was a Field

for him to  
Trumpet,

But the  
bliss'd by  
nistration  
of it; by t  
watchful i  
utmost At  
support and  
hop'd it w  
that whole  
the Broach  
Principles,  
bring in P

That, H  
very unjust  
Answer, w  
Ministers o  
ding Piety  
strives so p  
ded them w  
ragement o  
acted contr  
and Immor  
when instea  
ral Virtues  
visions, and  
of the Nati  
charg'd Do  
their Char  
on the Offe

7

Thurs

THE L  
as be  
for Silence,  
The Do  
Lord Chan  
vidence.

Then M  
cle, saying,  
Their Lo  
mons were  
which Servi

for him to open his Commission in, where he might sound his Trumpet, and not preach Peace.

But the Commons could never admit the Church, as Establish'd by Law, to be in any Danger during Her Majesty's Administration; it being guarded by Her Majesty's Piety and Care of it; by the Reverend Bishops, who were so diligent and watchful in their Functions, and which would always have the utmost Assistance of the Commons and their Lordships, to support and maintain it: As for their Independent Church, he hop'd it would ever be in Danger, and could not but think that wholesome Severities were very proper to be apply'd to the Broachers of such Seditious Doctrines, they being Popish Principles, and if they should obtain here would certainly bring in Popery along with them.

That, He could not conclude without taking Notice of a very unjust Reflection made upon the Commons in the Doctor's Answer, wherein he charg'd them with Designing to restrain the Ministers of the Gospel from doing their Duty, in recommending Piety and Virtue to their Auditors. Those being Doctrines so proper to come from the Pulpit, such as recommended them would always meet with the Countenance and Encouragement of the House of Commons; but when a Clergyman acted contrary to his Function, and instead of reproving Vice and Immorality, took upon him to reproach the Government; when instead of Preaching Peace, and Charity, and other Moral Virtues, he took upon him to raise Jealousies, foment Divisions, and stir up Sedition, it was high time for the Justice of the Nation to put a Stop to it: And as such a Person they charg'd Doctor *Sacheverell*, and thought they had made good their Charge, and could not doubt their Lordships Justice, upon the Offender.

*Then the Lords Adjourn'd to their own House.*

---

### *Thursday, March 2. The Fourth Day.*

THE Lords being come into *Westminster-Hall*, and seated as before, The Sergeant at Arms made Proclamation for Silence, and for Doctor *Sacheverell* to appear.

The Doctor appearing accordingly, with his Council, the Lord Chancellor directed the Managers to proceed in their Evidence.

Then Mr. *Lechmere* proceeded still upon the Fourth Article, saying,

Their Lordships had adjourn'd the day before when the Commons were proceeding on their Fourth Article, a Share of which Service was appointed to him, and the Proofs they In-

listed

list'd on, in Maintenance of that Part of their Charge, having been laid before their Lordships with great Exactness, and all the Enforcements, they could well receive, having been already offer'd to them, by those Gentlemen, that had gone before him; he found himself acquitted from giving their Lordships much Trouble upon it.

That, the Charges, contain'd in the precedent Articles, were particular and distinct; Of so high a Nature in themselves, and of such Eminent Consequence to Her Majesty and Her Government, that they had held themselves oblig'd, to treat each of them, with all imaginable Clearness and Solemnity; and that, from the true Zeal and necessary Concern, with which the Commons, upon such a great Occasion, were so justly inspir'd, for the Honour of her Majesty, and the Prosperity of Her Kingdoms.

And, the subject of that Article being laid down in General Positions, some of which were the Result and Consequence of the former Articles; it would therefore be necessary to remind their Lordships of the Passages produc'd in support of them; as for the Application of them, to the several Branches of this Charge, it was easie and obvious: The further Passages, pointed out to them the Day before, were many in number, and the Assertions positive, scarce liable to any Constructions, more innocent in themselves, or more favourable for the Prisoner, than what had been put upon them: But tho' the more flagrant parts of the Prisoner's Discourses had been distinguish'd to them, their Lordships could not fail of discerning that implacable Enmity, which ran through the whole: Their Lordships would find little in it of the Spirit of the Gospel, of the Temper of a Christian, or a good Subject, much less of a Messenger of Peace; for when the Heart was poison'd, the Corruption would be diffus'd throughout; when Principles were deliver'd from the Pulpit, that struck at the Root of the Government in being, and the future Establishment, and were Taught as Fundamental Rules both of Law and Conscience; only such Proofs, such Exhortations were to be expected from such a Preacher, as they had heard from that man, such only, as might create universal Dissatisfaction, would disquiet the Minds, and tend to pervert the Obedience of the Subjects; such only as should be most likely to cherish and cultivate those Seeds of Sedition, which, when sufficiently propagated, and brought up to their full Growth, could terminate in nothing less than a total Destruction.

He said, he was then to acquaint their Lordships, That the Commons had gone through their Charge, wherein they had been heard by them, with great Candour and Patience; And that imperfect View, the best he was able to give them, in opening the Charge, had been amply supply'd by the great Sufficiency

siciency of  
he had goo  
ment, of th  
tially and

Therefor  
which stood

What was th  
Charge, th  
accus'd, bu  
dence being  
the false C  
Scheme red  
other Gent  
leave to re  
in his prop

He said,  
Reign of th  
Crown, wh  
solid and in  
Earth, guar  
and the en  
none could  
weaken its

They sav  
excellently  
of Governm  
Arbitrary  
Encroachme  
Establish'd  
dangerous  
make way fo  
pily recover  
and Disorder  
stable Proc  
many Conv  
at the late  
pass'd since  
Together w  
Posterity, b  
Line:

Their Lo  
Church of  
perity and S  
than in any  
Nation enjo  
of a pruden  
the Harmon  
true Subject



ficiency of what had follow'd; And from thence, he thought he had good grounds to tell their Lordships, that the Impeachment, of the Commons, in every part of it, had been substantially and effectually maintain'd.

Therefore, craving leave of the Doctor to borrow a Phrase which stood at the head of the last Paragraph of his Sermon, *What was the Result* of that Proceeding so far? In opening the Charge, they had consider'd him, in the condition of a Person accus'd, but the Proofs having been produc'd, and the Evidence being unquestionable, even from his own Mouth, and the false Colours of his Discourse being taken off, and his Scheme reduc'd to its true Consistency, by the Endeavours of other Gentlemen, to whose Tasks they had fallen, he ask'd leave to represent him to their Lordships in a true Light, and in his proper Colours.

He said, their Lordships then saw that Gentleman, under the Reign of the greatest and best of Princes, that ever wore a Crown, whose Title to the Throne stood upon a more solid and indisputable Foundation than that of any Prince upon Earth, guarded and defended by the best Laws in the World, and the entire Affection of all Her true Subjects, and which none could draw in question with any other Design than to weaken its Support :

They saw him, under an Establishment and Constitution, excellently contriv'd and adapted to answer all the good-Ends of Government, which had withstood the open Assaults of Arbitrary Princes, and the more crafty Attempts of Papal Encroachments; And which, since the true Religion had been Establish'd among them; had been preserv'd in despite of the dangerous Endeavours of Papists, by dividing Protestants, to make way for its Destruction; A Constitution, which had happily recover'd its self, at the Restoration, from the Confusion and Disorders, it had been thrown into by the horrid and detestable Proceedings of Faction and Usurpation, and which after many Convulsions and Struggles, had been providentially sav'd at the late happy Revolution; and, by the many good Laws pass'd since that time, stood then upon a firmer Foundation; Together with the most comfortable prospect of Security to all Posterity, by the Settlement of the Crown in the Protestant Line :

Their Lordships had found this Person, at a time when the Church of *England* as by Law Establish'd was in perfect Prosperity and Safety at Home, and in higher Reputation Abroad, than in any Age that had gone before it; At a time, when the Nation enjoy'd Peace and Tranquility, and all the good Effects of a prudent and successful Administration, demonstrated by the Harmony and Unanimous Endeavours of all Her Majesty's true Subjects to support it.

They

They had found him in the most solemn and publick Manner, levelling the most virulent Discourse against Her Majesty's Title to the Crown, and against the present Establishment, and calculated to favour the Pretension of Another;

Their Lordships found in it the same Principles reviv'd and avow'd by him in the same dangerous Extent, as in a late Reign, by the profest Instruments of Popery and Arbitrary Power, and apply'd in Condemnation of the Glorious Work of the late Happy Revolution;

Their Lordships had found him, Arraigning the Honour of Her Majesty and her Parliament, aspersing Her Administration both in Church and State, stirring up Sedition, and exhorting to Rebellion; and that, in the Name of God Almighty, as one commission'd from Heaven to that End, and wresting the Scripture to those impious Purposes, in the most prophane and impious Manner.

On which Grounds, the Commons had charg'd the Crimes to have been committed by him with an Intent to undermine Her Majesty's Government, and to stir up Arms and Violence: And if their Lordships wanted further Evidence thereof, they would remind them of the Rebellion that had been rais'd, and the High-Treason that had been committed, the Night before, by those Persons who abetted the Prisoner!

He said, he could not aggravate the Offence, their Lordships would duly consider the Height and Quality of it, they would think of a Satisfaction suitable to that, and to the just Expectation of the Commons.

That, the Nature and Length of the Proceeding having occasion'd many Interruptions, they were yet assur'd, that no Misconstruction would be permitted by their Lordships, of what might have fall'n from any of them: They likewise took Notice to their Lordships, that the Commons had very readily acquiesc'd in their Appointment of Council to assist the Prisoner: Which their Lordships had inform'd them in the beginning of the Cause, had been done in great Benignity to him, in assigning him those Council, which he himself had ask'd, and, doubtless such, as were according to his own Heart's Desire: And the Commons were assur'd, that those Gentlemen would understand the Regard, that was due to the Nature of that Cause, and to the Dignity of a Proceeding, wherein the Commons of *Great Britain* appear'd as Prosecutors.

And the Commons conceiv'd, they had Reason to take great Satisfaction from the present Proceeding, whereby they had the Opportunity, to assert the Freedom and Excellency of the Government, and the Justice of the present Establishment, in the most solemn Manner, and before the most August Judicature in the World; which single Consideration show'd their Lordships of what Malignity the Prisoner was capable, who had set him-

self to disorder  
tution.

They de-  
ties, which  
when they  
Great Cause  
they were  
their Lord  
and who h

And when t  
very one of  
sent Settlem  
impartial Ju

They fur  
peachment,  
Lordships J  
its Effects:

And on t  
good Consec  
selves, woul  
twould add

Europe, at th  
that the Com  
in Defence a

Liberty Ab  
that Malign  
Home: Th

of her Maje  
and of her G  
see and consi  
ment of the

Those goo  
Enforcement  
became Pub  
pestilent Do

The Firm  
Steadiness a  
on, which w  
Lordships in

Terror on  
had taken R  
And it wo

Majesty's fai  
Title, the W  
Succession, s  
ment.

He conclu  
of the great

self to disorder and destroy so happy and so beautiful a Constitution.

They desir'd to put their Lordships in mind of those Felicities, which in their Opinions, accompany'd that Prosecution; when they saw so many of their Lordships the Judges of that Great Cause, who had so great a Share in that Deliverance, which they were then call'd upon to vindicate; so many others of their Lordships, the Sons of those Fathers, who had join'd in it; and who had the same Blood still running in their Veins: And when they consider'd that firm and steady Zeal, which every one of their Lordships had shown in Support of the present Settlement, what Doubt could they entertain of their most impartial Justice?

They further observ'd it, as the great Security of their Impeachment, That no Endeavours could prevail to prevent their Lordships Judgment upon it, nor any Means succeed to defeat its Effects:

And on t'other Hand, they had before their Eyes the many good Consequences, that Part the Commons had taken on themselves, would certainly produce; that Strength and Vigour, 'twould add to the great Affairs of the Kingdom, and of all Europe, at that Critical Juncture, when the World should see that the Commons of *Great Britain*, who had been so unanimous in Defence and Support of the Common Cause of Peace and Liberty Abroad, were thus zealous to find out and extirpate that Malignant Humour, which alone could endanger it at Home: That, whilst the Common Oppressor felt the Effects of her Majesty's Arms, the intestine Enemies of the Nation, and of her Government, (in the Instance of the Prisoner) might see and consider the Force and Weight of the highest Resentment of the Commons.

Those good Effects (he added) would receive yet greater Enforcements from their Lordships Judgment; which, when it became Publick, would be an effectual Confutation of the pestilent Doctrines, advanc'd by the Prisoner.

The Firmness of their Proceedings would give the same Steadiness and Vigour to all other Parts of the Administration, which would from thence forward strive to imitate their Lordships in so great an Example: And 'twould strike due Terror on those Minds, where the same destructive Errors had taken Root.

And it would bring great Comfort and Peace to all Her Majesty's faithful Subjects, to see Her Majesty's undoubted Title, the Wisdom of her Administration, and the Protestant Succession, so effectually supported by their Lordships Judgment.

He concluded, they had thought it necessary, in discharge of the great Trust repos'd in them by the Commons, to go through



thorough the whole Charge together, that their Lordships might have it entire : and he was only to add, That they did reserve to themselves the Liberty of replying to what should be offer'd on behalf of the Prisoner, and of every other Legal Advantage, that should arise to them in the Progress of their Impeachment.

The Lord Chancellor then ask'd the Commons, whether they had gone through their Charge, and Mr. *Lechmere* answering, they had ; he said, they that were appointed Council for Doctor *Sacheverell* might proceed, to his Defence.

But *Sir Simon Harcourt* told their Lordships, That three whole Days having been taken up by the Gentlemen of the House of Commons in Maintenance of their Charge, and that Day being so far spent he was bound in Duty humbly to represent to their Lordships, that it would be impossible for them to go through the very first Article so as to finish in any reasonable Time. But they humbly expected their Lordships Commands.

Several of whom cry'd Go on, Go on.

And *Sir Simon Harcourt* said, they must receive their Lordships Commands ; but thought it of great Importance to go through the first Article at once, if their Lordships pleas'd to give them Leave.

*Then the Lords Adjourn'd to their own House.*

### *Friday, March, 3. The Fifth Day.*

**T**HE Lords being seated in *Westminster-Hall*, as before the usual Proclamations made for silence, and for Doctor *Sacheverell* to appear.

And the Doctor appearing accordingly, with his Council the Lord Chancellor order'd the Council for the Prisoner, to proceed to his Defence.

Then *Sir Simon Harcourt* apply'd himself to the Lords in Behalf of his Client, and said,

He was Council for Doctor *Sacheverell*, who stood Impeach'd in the Name of all the Commons of *Great Britain* of High Crimes and Misdemeanors ; the Crimes suppos'd to have been committed by him being contain'd in four Articles ; the three last of which he begg'd leave to post-pone without mentioning any thing of them, till they had all concluded what they had to offer and lay before their Lordships, as to the several Charges contain'd in the first, and endeavour'd to satisfy the Lordships, That notwithstanding what had been Objected by the Gentlemen of the House of Commons against the Doctor in Maintenance of that Article, he was an innocent Man: That

the first  
they woul  
being " 2  
" ry Mea  
" were C  
been infor  
mention'd  
Commons  
delivering  
and the S  
joyning w  
shorter D  
Means we  
Prince the  
dor had  
firm'd the  
soever to  
that any fu  
Supreme I  
and the R  
mons conc  
Doctor ha  
Assertion  
late to any  
ly could r  
Necessary  
of the Le  
Trial, in  
him in that  
ed himself  
without av  
but had h  
such Resist  
us'd, the  
a slavish D  
of Commo  
who had ta  
the Supreme  
Illegality o  
whatsoever  
declar'd, i  
not have d  
ships and a  
terly unlav  
Gentleman  
tion'd the  
certainly  
ded him to

the first Article contain'd three distinct Charges, on which they would proceed as they lay in order, The first of them being " That he Suggested and Maintain'd, that the Necessary Means us'd to bring about the late Happy Revolution were Odious and Unjustifiable. And their Lordships had been inform'd, that by this Expression of, *the Necessary Means*, mention'd in the first Article, the Gentlemen of, the House of Commons intended his late Majesty's glorious Enterprize for delivering this Kingdom from Popery and Arbitrary Power, and the Subjects of this Realm well affected to their Country, joining with and assisting him in that Enterprize; and in a shorter Description it had been explain'd, that those Necessary Means were, the Subjects Resistance to their Unfortunate Prince then upon the Throne. Of which Resistance the Doctor had made no mention in his Sermon; he had indeed affirm'd the utter Illegality of Resistance on any Pretence whatsoever to the Supreme Power, but it could not be pretended, that any such Resistance had been us'd at the Revolution; the Supreme Power in this Kingdom being the Legislative Power, and the Revolution having taken effect by the Lords and Commons concurring and assisting in it. Whatever therefore the Doctor had asserted of the utter Illegality of Resistance, his Assertion being applied to the Supreme Power, could not relate to any Resistance us'd at the Revolution, and consequently could not be an Affirmance, that such Resistance, or such Necessary Means, were Odious and Unjustifiable. That one of the Learned Gentlemen, who spoke the third Day of the Trial, in Maintenance of the last Article, had concurr'd with him in that, and objected it to the Doctor, That he had guarded himself by confining his Assertion to the Supreme Power, without averring the utter Illegality of Resistance to the Queen; but had he in express Terms affirm'd the Unlawfulness of such Resistance; yet by the same Arguments which had been us'd, the Doctor would have been told, he had been Preaching a slavish Doctrine. That another Gentleman of the House of Commons, (and he thought there were but two of them who had taken notice of that Expression of the Doctor's of *the Supreme Power*) observ'd, that the Doctor had asserted the Illegality of Resistance to the Supreme Power on any Pretence whatsoever, which Power he admitted was the Legislative, and declar'd, if the Doctor had really meant that Power, he should not have differ'd from him; and without doubt, their Lordships and all Persons would concur with him, that it was utterly unlawful to resist the Supreme Power. However that Gentleman being satisfied, tho' the Doctor had expressly mention'd the Supreme Power, which was the Legislative, that he certainly intended the Supreme Executive Power, had concluded him to be guilty of the Charge in the first Article; which

he

he also mention'd as an Instance of the great Mercy and Lenity of the House of Commons, who might have proceeded against him for High Treason, as a *Parson* in one of the late Reigns had been Prosecuted for Words, which he thought less offensive, and dangerous, than that Assertion preach'd by Dr. *Sacheverell*; and yet that Gentleman had been pleas'd to say, that had a Dissenter, whose Affection to the Government stood unsuspected, express'd himself as the Doctor had done, the Gentlemen of the House of Commons would not have thought fit to have prosecuted him. The Case alluded to Sir *Simon Harcourt* took to be the Case of Mr. *Roswell*, a Non-conformist Minister; Indicted in the 36 Car. 2. for Words by him spoken in a Sermon preach'd at a Meeting-house, and the Prosecution carry'd on through the Violence of those Times, and generally detested; yet being Convicted; on cooler Thoughts, and consideration of the Uncertainty in his Expressions, that they could not amount to such a Crime, as he stood charg'd with, Judgment was Arrested, and Mr. *Roswell* Discharg'd. That another learned Gentleman, upon opening the Charge had been of Opinion, that the Doctor, in his Assertion of the Illegality of Resistance to the Supreme Power, did really neither mean the Legislative, nor Executive Power, but had the Pretender in his view; which was diving into the Secrets of his Heart, and searching into his Thoughts, only known to God, which had been urg'd to avoid the strange Inconsistency, in concluding, that the Doctor should be endeavouring to undermine the Government, by Preaching up the utter Illegality of resisting it.

Now if there were a double Sense, in either of which those Words were equally capable of being understood; if in one Sense the Doctor's Assertion were undeniably clear, but in the other some Doubt might arise, whether his Words were Criminal or not, the Law of *England* was more merciful, than to make any Man a Criminal, by construing his Words, contrary to the Natural Import of them, in the worst Sense. Which was the great Justice and Clemency of the Law, in every Man's Case; but some Persons were intitled to have a more favourable Construction put on all their Words and Actions, than others were, such as Persons acting in Execution of their Offices, in Obedience to Authority, or by a Commission from the Crown, such Persons being look'd upon, as under the immediate Protection and Care of the Law: Then how much more reasonable was it, that Ministers of the Gospel, who had their Commission from God, and spoke in his Name, should have the most candid Interpretation made of whatever they said; which he was persuaded, had been one of the chief Reasons in the Case of Mr. *Roswell* to allay the Rage of that Reign, and obtain Mercy for him, tho' a Non-conformist Minister under a Conviction of High-Treason. That 'twas a

hard

hard Fat  
under th  
volution.  
dation :  
should pr  
to the R  
him capa  
monies of  
as the pre  
the most  
ance, and  
miserable  
juration,  
he had in  
him. If  
nor his W  
monstratio  
liable to b  
give?

But, If  
ter'd the  
without p  
and sediti  
ment at Pl  
ject of Em  
Constru  
by departi  
ing. The  
fore the la  
arbitrary  
He said,  
Multitudes  
was an Aut  
mediately a  
and he beg  
1689. Tha  
of King C  
some Lette  
the Govern  
time. Upo  
Man, of a t  
Justice who  
dict was ob  
not being lo  
of his Part  
and Pound  
ers'd that  
not content



hard Fate attended that unhappy Gentleman, if he should lye under the Imputation of being thought an Enemy to the Revolution, and to the then happy Establishment, on that Foundation: For what Evidence would their Lordships expect he should produce to clear himself? He had shown his Submission to the Revolution, from the first Moment his Years had made him capable of doing so; he had given all the publick Testimonies of his Fidelity and Affection to the last Reign, as well as the present, which the Government had ever required from the most suspected Persons; he had taken the Oath of Allegiance, and the Abjuration, and sign'd the Association. 'Twas a miserable Case any Man was in, if after he had taken the Abjuration, the utmost which was requir'd, he should still be told he had indeed abjur'd the Pretender, but had not yet forgot him. If neither the In-offensiveness of the Doctor's Behaviour nor his Words, nor Oaths could satisfie, if after all those Demonstrations the Doctor had given of his Fidelity, he was still liable to be censur'd, what Satisfaction was it possible for him to give?

But, If the Manner of that solemn Prosecution had not alter'd the Nature of Things, Sir *Simon* hop'd he might insist; without putting in a Claim of Right in behalf of all the factious and seditious People in the Kingdom to revile the Government at Pleasure; That by the then happy Constitution, a Subject of *England* was not to be made Criminal by a labour'd Construction of doubtful Words; or, when that could not serve; by departing from his Words, and having recourse to his Meaning. There had been too many Instances of that Nature before the late happy Revolution; which had put an End to such arbitrary Constructions.

He said, he might trouble their Lordships on that Head with Multitudes of Authorities, but should mention only one; which was an Authority of their Lordships, upon a Writ of Error, immediately after the Revolution; Sir *Samuel Barnardiston's* Case; and he beg'd leave to refer to their Lordships Journal; *May 14; 1689.* That Gentleman had been call'd in Question in the Reign of King *Charles the Second* (*Hill. Term 1683.*) for writing some Letters suppos'd to be Seditious, and highly reflecting on the Government, and the publick Justice of the Nation at that time. Upon his Tryal he had been represented as a seditious Man, of a turbulent Spirit; and being so painted by the Chief Justice who try'd him, tho' his Actions were inoffensive, a Verdict was obtain'd against him, and Judgment was to be given; nor being look'd upon as an inconsiderable Man, not as a Tool of his Party, but as one of the Heads of it, a Fine of ten thousand Pounds had been set on him. Their Lordships had Revers'd that Judgment, and as a Glorious Instance of their Justice, not contenting themselves with the Right they had done in the

Case then before them, at the same time provided, as far as possible, that no innocent Person, in After Ages, might suffer Wrong. Their Lordships therefore, in an extraordinary Manner, order'd the Reasons of their Judgment to be enter'd in their Journal, in the following Words: " First, the Information in that Case having been grounded upon Letters, which in themselves were not Criminal, but made so by Innuendo's, their Lordships declar'd that Innuendo's, or suppos'd and forc'd Constructions, ought not to be allow'd, for all Accusations should be plain, and the Crimes Ascertain'd. He hop'd it was needless to his present Purpose to read to them the second Reason; but as 'twas another Instance of their Lordships Justice, which ought never to be forgot, he should take the Liberty of doing it: It related to the Fine of ten Thousand Pounds, and tho' Sir Samuel Barnardiston was a Gentleman of a very considerable Estate, their Lordships had declar'd, " Secondly, That the said Fine of ten Thousand Pounds was exorbitant, and excessive, and not warranted by Legal Precedent in former Ages; for all Fines ought to be with a *Salvo contentemento suo*, and not to the Party's Ruin. Those were their Lordships Declarations in that Case; and if there were any Uncertainty or Doubt in the Doctor's Expressions, their Lordships he hop'd would put the most favourable Construction on them. What he had hitherto offer'd, Sir Simon said, was with Relation to those Words, *The Supream Power*; but that which he took to be the main Objection in that Case, was, That the Doctor's Assertion of the Illegality of Resistance must be necessarily understood with Reference to the Executive Power: And if it were utterly illegal in any Case, upon any Pretence whatsoever, then it had been unlawful at the Revolution; whence the Consequence was drawn, that the Doctor was guilty of that first Charge, of *maintaining, That the necessary Means us'd to bring about the happy Revolution had been odious and unjustifiable*. This he took to be the Force of the Objection.

And, admitted the Doctor had in general Terms asserted that Proposition of the Illegality of Resistance to the Supreme Power on any Pretence whatsoever; yet was not altogether without Hopes, but that he should be able to satisfy even the Gentlemen of the House of Commons, whether that Expression were understood of the Legislative, or Executive Power, that the Doctor was an innocent Man, notwithstanding that Assertion.

He therefore declar'd, There was nothing further from their Hearts, or less necessary to the Doctor's Defence, than to dispute or to call in Question the Justice of the Revolution; they were so far from it, as to look on themselves to be arguing for it whilst they were endeavouring to show their Lordships, that the Resistance us'd at the Revolution, was not inconsistent with the Doctrine of the Church, and with the Law of England, and

that the  
both spe  
been ur  
on, and  
ty, the M  
was in  
rence as  
sertion o  
Gentlem  
differ'd  
stated th

The fi  
to relate  
stor had  
lar Case

It had  
only asser  
Power, or  
firm'd, th  
cepted ou  
said if su  
mon, he f  
it was one  
Case as o  
another th  
had in gen  
Resistance  
he laid de  
said, no f  
was not to  
silent in t  
Case, was  
the Doctor  
his Genera  
Power, to  
Gentleman  
cond Day  
Page wher  
sistance, an  
" Grand So  
" on which  
" Subjects  
" ence to t  
" ter Illega  
And then,  
" faries thi  
" sure and  
" Revolutio

that the Doctor had us'd no other Language, than what they both spoke. That when their Lordships had laid aside what had been urg'd the second Day, to show the Justice of the Revolution, and to aggravate the Doctor's Offence, supposing him guilty, the Matter would lye in a very narrow Compass; and he was in Hopes there would not appear to be so great a Difference as had been represented, between the Doctor, in his Assertion concerning the Illegality of Resistance, and some of the Gentlemen of the House of Commons; he could not say, he differ'd from many of them in their Notions of Allegiance, as stated the second Day of that Tryal.

The first thing he insisted on, supposing that general Assertion to relate to the Supream Executive Power, was, that the Doctor had not in any part of his Sermon apply'd it to the particular Case of the Revolution.

It had been insisted on the first Day, that he had not only asserted the utter Illegality of Resistance to the Supreme Power, on any Pretence whatsoever; but had also expressly affirm'd, the Revolution to be no such a Case as ought to be excepted out of his General Rule. That Sir *Simon* deny'd, and said if such an Expression could be found in the Doctor's Sermon, he should think no Punishment too great for him. But it was one thing expressly to affirm the Revolution to be such a Case as ought not to be excepted out of the General Rule, and another thing, not to make the Exception. That the Apostle, who had in general Terms enjoin'd the Duties of Obedience and Non Resistance to the higher Powers, had made no Exception when he laid down those Precepts; nor on the other side, had he said, no such Case could ever happen, wherein Obedience was not to be paid, or Resistance not to be made. He was silent in that Matter; and the Doctor's Expression, in that Case, was agreeable with that of the Apostle. That to prove the Doctor guilty of that first Charge, and his directly applying his General Rule of the Illegality of Resistance to the Supreme Power, to the particular Case of the Revolution, a Learned Gentleman (who had maintain'd the first Article) on the second Day of that Trial, first stated to their Lordships the Page wherein the Doctor mention'd the utter Illegality of Resistance, and read that Passage in the following Words: " The Grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power, in all things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever. And then, show'd the Doctor went on and said. " Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence. Which might very



reasonably make an Impression upon their Lordships, for want of comparing those several Passages in the Doctor's Sermon, at the same time that Objection was made. But he beg'd their Lordships would observe the distance of those two Passages from each other, between twenty and thirty Lines, in which several distinct and entire Sentences were contain'd, to which that last Passage of *our Adversaries*, &c. plainly related. The next Method us'd to prove the Doctor guilty, had been by taking the Passage in it self, independently, from any other; and that he own'd to be the true way of considering it: And taking it in that manner, 'twas objected, If in no Case whatsoever 'tis lawful to resist, 'twas then unlawful at the Revolution. Such a Doctrine must be a slavish Doctrine. An unlimited Passive Obedience and Non-Resistance was a slavish Notion.

Sir *Simon* declar'd, that Doctor *Sacheverell* did not contend for it, nor was there any thing mention'd in his Sermon of such an Obedience or Non-Resistance. The small Difference between the Gentlemen of the House of Commons, who thought that Expression so highly Criminal, and the Doctor, who still conceiv'd it to be otherwise, being, whether, when the General Rule of Obedience was taught, the particular Exceptions, which might be made out of that Rule, were always to be express'd; or whether, when the General Rule was laid down, the particular Exceptions, which might be made out of that Rule, were not more properly to be understood or imply'd.

He humbly apprehended, that extraordinary Cases, Cases of Necessity, were always implied, tho' not express'd, in the General Rule. The Revolution had been such a Case, when the unhappy Sovereign, then upon the Throne, mis-led by evil Counsellors, had endeavour'd to subvert and extirpate the Protestant Religion, and the Laws and Liberties of the Kingdom. The General Rule ought always to be press'd, but the Exceptions of extraordinary Cases, of Cases of Necessity, were never particularly to be stated. To point out every such Case before-hand was as impossible, as it was for a Man in his Senses not to perceive plainly when such a Case happen'd.

Every Minister of the Gospel he said, was sufficiently instructed from the Doctrine of his Church, the written Laws of the Land, and the Law of God, to press the general Duty of Obedience, but such extraordinary Cases, wherein Resistance was lawful, wherein it became an indispensable Duty, were no where laid down. That the same Apostle, who had enjoyn'd Obedience and Non-Resistance to the higher Powers, had also commanded Servants to obey their Masters, and Children their Parents, in all things: Notwithstanding which general Precepts, many Cases might happen, wherein it might be not only unfit, but sinful for Servants to obey their Masters, or Children their Parents. And yet the Apostle had not thought it proper

to

to state  
the Du  
happen

That  
preme  
liament  
fit othe  
justifie  
never h  
which  
ful for  
that the  
to exce

He b  
ships on  
Pym, at  
Mr. Pym  
the said  
Franchise  
knowled  
they had  
from the  
Exactions  
this Clau  
Exceptio  
ties gran  
might as  
in their S  
Preachin  
ted to sta  
rise, the  
General  
devour a

That b  
tween th  
were not  
press'd, w  
said, he  
That the  
Supreme P  
without e  
thority of  
Manner of  
First, T  
the Churc  
Day of th  
had asserte  
when ever  
it; but th

to state, or mention those Cases, but contented himself to press the Duty of Subjection in general, leaving such Cases, when they happen'd, to justify themselves.

That such Cases, with Respect to Resistance against the Supreme Power, were no way fit to be consider'd, but in Parliament; and even the Parliament it self had never yet thought fit otherways to consider them, than by way of Retrospect, to justify what had of Necessity been done in those Cases, but never had gone so far as to enumerate the Cases of that kind, which might happen for the Future, wherein it might be lawful for the Subject to resist; nothing being more evident, than that the Subjects would be sometime or other thereby tempted to exceed their just Liberty.

He beg'd Leave to close what he had offer'd to their Lordships on that Head, with an Observation borrow'd from Mr. Pym, at his delivering the Charge against Doctor *Manwaring*. Mr. Pym, speaking of the Dutchy of *Normandy*, observ'd; that the said Dutchy lying under some Grievances, contrary to their Franchises, had made Complaint to *Lewis* the Tenth, who acknowledging the Right and Custom of the Country, and that they had been unjustly griev'd by his Charter, provided that from thenceforward they should be free from all Subsidies and Exactions to be impos'd by him, and his Successors, but with this Clause, *Unless when great Necessity required*; which small Exception, Mr. Pym observ'd had devour'd all their Immunities granted by that Charter. Sir *Simon* was of opinion he might as reasonably conclude, that if Clergymen, or others, in their Sermons, Writings, or publick Discourses, instead of Preaching up the General Rule of Obedience, were permitted to state the several extraordinary Cases, which might arise, the several excepted Cases, which, notwithstanding the General Rule were imply'd; such Exceptions would in time devour all Allegiance.

That having thus stated to their Lordships the Question between them, whether such excepted Cases as the Revolution were not more proper to be left, as implied, than to be express'd, when the general Duty of Obedience was taught; he said, he should endeavour to satisfy their Lordships, First, That the Doctor's Assertion of *the Illegality of Resistance to the Supreme Power on any Pretence whatsoever*, in general Terms, without expressing any Exception, was warranted by the Authority of the Church of *England*: And Secondly, that the same Manner of Expression was agreeable to the Law of *England*.

First, That as to its being warranted by the Authority of the Church. Their Lordships had been informed, on the first Day of the Tryal, how Bravely even their Popish Ancestors had asserted the Legality and indispensible Duty of Resistance, when ever they thought the Liberty of their Country requir'd it; but that at the Reformation, when Truth began to shine

out, then it became evident that the Notion of the Illegality of Resistance was a slavish Doctrine. And the Learned Gentleman who had mention'd it undoubtedly pitch'd on a very proper Time to begin his Search after Truth; and from thence *Sr. Simon* would endeavour to trace it.

One very early Authority in the Dawn of the Reformation, he found in a Book intitled, *A Necessary Doctrine and Erudition, for any Christian Man*, publish'd by the King's Command, 34. H. 8. Being a Treatise compos'd by the Direction of *Cranmer*, by *Ridley*, *Redmayn*, and other very great and learned Men. He found it highly commended in the History of the Reformation (Part 1. Book 3. Pag. 286.) The Reverend Author of that History giving an Account how well the Reformers were employ'd (Anno 1540) tho' not in the Way of Convocation; That a select Number of them then sat, by Virtue of a Commission from the King, confirm'd in Parliament; and their first Work had been to draw up a Declaration of the Christian Doctrine for the necessary Erudition of a Christian Man, and (Pag. 298,) that 'twas set forth, with a Preface, written by the Clergy employ'd in it, declaring with what Care they had examin'd the Scriptures, and the ancient Doctors, from whom they had gather'd that Exposition of the Christian Faith. In that Treatise *Sr. Simon* said he found the following Passages: (In the Exposition of the Fifth Commandment;) " And by " this Commandment also Subjects be bound not to withdraw " their Fealty, Truth, Love, and Obedience towards their " Prince, for any Cause whatsoever it be; nor for any Cause " they may conspire against his Person, nor do any thing to- " wards the Hinderance or Hurt thereof, nor of his Estate. (In the Exposition of the Sixth Commandment:) " More- " over, no Subjects may draw their Swords against their " Prince for any Cause whatsoever it be. And that Reverend Father of the Church, who had oblig'd the Publick with that Excellent History of the Reformation, and receiv'd the Thanks of both Houses of Parliament for it (pag. 291) declar'd those Expositions of the Commandments to be very profitable.

Tho' the Treatise Containing those Expositions, had been publish'd in a Popish Reign, yet as an undeniable Evidence of the Doctrine of Non-Resistance there Taught, being a Protestant Doctrine, he would show their Lordships, that the Reverend Author of the History of the Reformation had himself asserted it, in much stronger Terms, than Doctor *Sacheverell* had done. In *Edward* the Sixth's Time; The first Book of the Homilies, prepar'd by the Clergy, was publish'd by the Royal Authority; in which were three Parts of a Homily, or rather three distinct Homilies of Obedience. In one of which was the Passage mention'd in the Doctor's Answer. " Hear " good People, mark diligently; It is not lawful for Inferi- " ors, and Subjects, in any case, to resist and stand against the " Superior,

" Super  
" soever  
" who  
" God.  
Popery  
being a  
not exp  
Reign,  
That  
Truth o  
added to  
bellion:  
wherein  
ted, in  
Dr. *Sach*  
upon in  
of both  
35th of  
and *Wh*  
Church  
might b  
of that  
milies;  
Holy O  
quit'd by  
and read  
thereto.

That  
Surpassin  
porting t  
of the  
and Glor  
the Book  
the Act  
the 35th  
Homilies  
to be an  
that he m  
England  
Union of  
to the W  
on those  
liament, t  
and State  
Resistance  
If the  
milies in  
without a  
the Doctr



" Superior, Powers, for *St. Paul's* Words be plain, that who-  
 " soever withstandeth, shall get to themself Damnation; for  
 " whosoever withstandeth, withstandeth the Ordinance of  
 " God. In *Queen Mary's* Reign, when the Darkness of  
 Popery again overspread the Nation. Resistance to Princes  
 being a Doctrine of the Church of *Rome*, their Lordships would  
 not expect any Authentick Evidence to be produc'd out of that  
 Reign, in Maintenance of the Doctrine of Non Resistance.

That When *Queen Elizabeth* came to the Crown, and the  
 Truth of the Gospel shone forth, then six Homilies had been  
 added to the other three against Disobedience and wilful Re-  
 bellion: In which their Lordships would find many Passages  
 wherein the Duty of Non-Resistance was press'd and inculca-  
 ted, in much stronger Terms than it had been asserted by  
*Dr. Sacheverell*. And the Thirty Nine Articles being agree'd  
 upon in that Glorious Reign, by the Arch-Bishops and Bishops  
 of both Provinces, and the Clergy in Convocation; by the  
 35th of them the Homilies were declar'd to contain a *Godly*  
*and Wholesome Doctrine*, and were order'd to be read in  
 Churches, by the Ministers, diligently, and distinctly, that they  
 might be understood of the People. That in the 13th Year  
 of that Reign, a further Sanction had been given to the Ho-  
 milies; the 39 Articles then confirm'd, and every Person in  
 Holy Orders to be admitted to any Benefice with Cure, re-  
 quir'd by Act of Parliament made in that Year to Subscribe  
 and read them in the Church, and declare his unfeigned Assent  
 thereto.

That her most gracious Majesty then on the Throne, as far  
 Surpassing her Renowned Predecessor, *Queen Elizabeth*, in Sup-  
 porting the Protestant Interest, and in Her Care for the Security  
 of the Church of *England*, as in all the other Successes  
 and Glories of Her Reign, had given a perpetual Sanction to  
 the Books of the Homilies, by inserting in the Act of *Union*  
 the Act made the 13 *Eliz.* which confirm'd the 39 Articles, by  
 the 35th of which the Doctrine of the Church taught in the  
 Homilies had been approv'd; and declaring that Act, 13. *Eliz.*  
 to be an *Essential and Fundamental Part of the Act of Union*; so  
 that he might then conclude, the Doctrine of the Church of  
*England* Taught in Her Homilies would continue as long, as the  
 Union of the two Kingdoms, which he heartily pray'd might be  
 to the World's end. And the Homilies of the Church subsisting  
 on those Authorities so ratify'd by the Articles and Acts of Par-  
 liament, the Doctor had the concurrent Authority of the Church  
 and State, for what he had said concerning the Illegality of  
 Resistance.

If the Doctrine of Non-Resistance were taught in the Ho-  
 milies in general Terms, as Doctor *Sacheverell* had asserted it,  
 without any Exception; If the Articles of Religion declar'd  
 the Doctrine Taught in the Homilies to be a Godly and Whole-

some Doctrine, would their Lordships permit that Gentleman to suffer for preaching it? Could it be Criminal for any Man to preach that Doctrine, which 'twas his Duty to read? The Doctor was not only requir'd by the 35th Article to read that Doctrine diligently, and distinctly, that it might be understood by the People; but to show their Lordships, the Doctrine taught in the Homilies had not dy'd, nor been alter'd at the Revolution, he must observe to their Lordships, that the Rubrick of the Office appointed for the 5th of *November*, by the late Queen of Blessed Memory, directed the Clergy on that Day, in case there were no Sermon, to read one of those Homilies against Rebellion. Since therefore the Doctor had rather chose to preach, than to read a Homily on that Day, he could not better comply with the Command of Her late Majesty, than by preaching the same Doctrine as was contain'd in those Homilies he was commanded to read on that Day if he did not preach. That the Act of Parliament, incerted in the Act of Union, enjoining him to Subscribe to that Doctrine, before the Ordinary, and declare his unfeigned Assent to it, in his Parish Church, it were hard for him to be condemn'd in Parliament for asserting the Truth of it. He granted the 35th Article was not by the Toleration Act (to give no Offence by calling it by its true Name) requir'd to be Subscrib'd by any Persons Dissenting from the Church of *England* to entitle them to their Exemption from the Penalties mention'd in that Act. But that Act of Parliament had no way vary'd the Case with respect to the Clergy; but that whatever Duty was incumbent on them before was so still, and therefore he hop'd their Lordships would not think that Gentleman had so highly offended.

As a further proof that the Doctrine of Non-Resistance, as laid down by the Doctor in general Terms, without making any Exception, was the Doctrine of the Church of *England*, Sir *Simon Harcourt* said, he would shew their Lordships, that it had been so preach'd, maintain'd, and avow'd, and in much stronger Terms than the Doctor had express'd himself, by the most Orthodox and Able Divines from the Time of the Reformation. But since it would be too tedious to offer all the Authorities that might be produc'd on that occasion; he would beg leave to lay before them some Passages out of the learned Writings of nine Archbishops, above twenty Bishops, and of several other very Eminent and Learned Men of the Church of *England*.

And that their Lordships might not think that Doctrine had expir'd at the Revolution, he should lay before them the Opinions of three Archbishops, and eleven Bishops, since the Revolution, which would fully shew the Doctrine of Non-Resistance was still the Doctrine of the Church; He would not willingly give Offence in naming them, being sure he meant no Reflection, nor could it, as he thought be any Re-

proach

Proach to  
taught by  
taught be  
he would  
*Tillotson*,  
Bishop of  
*Salisbury*,  
and *Chichester*  
Right R  
Doctrine  
Mouths t  
Doctor, t  
he was t  
ceive, th  
any gene  
Resistance  
to bring  
ble: How  
ving Sugg  
the same

He said  
so many  
If an int  
who had  
ted in an  
demeanor  
he suppos  
Bishops t  
in case l  
Church  
Right R  
Erring, c  
he humbl  
man Err  
have hop  
ment? H  
branded  
indispens  
had all th  
be found  
nancing t  
out of th  
able with  
People be  
the Mini  
ment wh  
all these  
err'd, th  
an obstin

Proach to them: As finding no other Doctrine in that case, taught by them, as far as he could judge, than what the Apostles taught before them. And therefore with their Lordships leave, he would presume to name them, and they were Arch-Bishop *Tillotson*, the two present Arch-Bishops, Bishop *Stillingsfleet* late Bishop of *Worcester*, the present Bishops of *Worcester*, *Rocheſter*, *Salisbury*, *Ely*, *Bath* and *Wells*, *Lincoln*, *Exeter*, *St. Aſaph*, *Carlisle*, and *Chicheſter*. If he could ſhew their Lordships that all thoſe Right Reverend Fathers of the Church had preach'd the ſame Doctrine as the Doctör, could the ſame Words from their Mouths to be receiv'd as Oracles of Truth, but ſpoke by the Doctör, be made fit for Articles of Impeachment? He ſaid he was ſure it could not enter into the Heart of Man to conceive, that what thoſe Reverend Prelates had aſſerted, that any general Poſition they had laid down concerning Non-Resistance, was an Affirmance that the Neceſſary Means us'd to bring about the Revolution had been *Odious* and *Unjuſtifiable*: How then could Doctör *Sacheverell* be charg'd with having Suggested or Maintain'd any ſuch thing, for having taught the ſame Doctrine, in the ſame manner as they had done.

He ſaid he could not ſuppoſe that Doctrine, ſo Eſtabliſh'd by ſo many Reverend Fathers of the Church, to be Erroneous. If an intemperate Expreſſion concerning one ſingle Archbiſhop, who had been dead above a hundred Years, was fit to be inserted in an Article of Impeachment of High Crimes and Miſdemeanors, what Punishment ſhould he himſelf deſerve, could he ſuppoſe the Doctrine taught by ſo many Archbiſhops and Biſhops to be Erroneous. But if he might hope to be excus'd, in caſe he made the Suppoſition, that the Homilies of the Church contain'd falſe Doctrine, and that ſo many of the Right Reverend Fathers of the Church, had been capable of Erring, or being ignorant in the Doctrine of their Church, he humbly propos'd it to their Lordships, whether a Clergyman Erring after ſuch great Examples, might not reaſonably have hop'd for a more moderate Correction, than an Impeachment? Had that ſlavish Doctrine of Non-Resistance been firſt branded with its indelible Mark of Infamy, and the right and indiſpenſible Duty of Resistance to Princes plainly ſhewn; had all the ſlavish Notions of the Common Law which might be found diſpers'd throughout the Law-books, and Countenancing that Doctrine of Non-Resistance, been firſt weeded out of them, and ſome few Acts of Parliament, entirely agreeable with that ſlavish Doctrine, been firſt repealed; had the People been ſet right in the Notions of their Obedience, and the Miniſters of the Goſpel been inſtructed by Act of Parliament what Doctrine they ought to Preach, and what not; had all theſe things been firſt done, and the Doctör had afterwards err'd, their Lordships might have then look'd upon him, as an obſtinate Offender.

The



The next thing he begg'd leave to consider was, the Law of England; whether the Doctor's Assertion of the utter *Illegality of Resistance to the Supreme Power on any Pretence whatsoever*, in general Terms, were agreeable to the Law of England, and hop'd he needed not again explain himself as to that Particular, his meaning was, that as the General Rule had been always taught and inculcated by the Church, so it had always been declar'd by the Legislature, without making any particular Exception; and if that Rule held both in Church, and State, that Gentleman was strangely unfortunate, if he could not be comprehended under one, or other of them.

He said, Whatever might in any former time have been thought proper to be done by Parliameut; whatever Measures the People in Cases of the last Necessity, might have taken for preserving their Liberty, asserting the Rights of their Country, and keeping themselves from Slavery; yet no Instance could be shew'd in any Age, not even in the Reigns of those Princes who had been Depos'd, that the Doctrine of the Right of Resistance, as it was term'd, had been ever permitted to be asserted by any particular Person. A memorable Case to which purpose had happen'd in the Reign of King *Edward the Second*; and was, that an Act of Parliament pass'd in the fifteenth Year of that Reign, Intituled, *Exilium Hugonis de Spencer Patris, & Filii*, by which Act the two *Spencers* had been banish'd, and the first Article in that Act against them, was, "That they had affirm'd and publish'd in Writing, that Homage and Oath of Allegiance were due more by reason of the Crown, than by reason of the Person of the King; and that if the King did not demean himself according to Reason, in the Exercise of his Government, his Subjects might remove him; And that since that Removal could not be by Course of Law, they might therefore remove him by Force. That the time when that Act pass'd, and what afterwards happen'd, was remarkable. The Act was repeal'd soon after the making it, and 'twas thought necessary then, that the People should assert that Right, and thereupon the King was Depos'd. However their Lordships would find in that King's Successor's Reign, they had been so far from casting any Blot on the Act of Exile, that in the 1 *Edm.* 3. the Repeal of the Exile was annull'd, and the Act of Exile confirm'd, by one of their first Acts. He did not deny but that in the 21st Year of *Rich.* 2. the Act made the 1st *Edm.* 3. for annulling the Repeal of the Exile had been repeal'd, and the Reversal of the Act of Exile confirm'd; but then again in the 1st of *Hen.* 4. the whole Parliament held the 21st *Rich.* 2. and all the Proceedings in it, for their Extravagance, were annull'd, and from thence the Act of Exile of the two *Spencers* continu'd untouch'd. He could not but observe to their Lordships, that tho' there were two Repeals of the Act of Exile, yet

neither

neither of  
as insuffic  
were, tha  
" Charte  
" present  
" Form.  
that Act  
Case, the  
" the Fat  
" Hearts.  
" Homag  
" King's  
" son of  
" the Lor  
" detestab  
" himself  
" are bou  
" that the  
" ought t  
" two Par  
" Hugonis  
barely mer  
the Case o  
yet those v  
it so high a  
lish such P  
beg'd leave  
general T  
Realm to b  
Which was  
in all Cases  
Rule, with  
dience (as  
defend the  
cies and Att  
his Person,  
neral, with  
would pre  
the 3 *Ja.*  
Answer to  
Cases of N  
were impro  
plication e  
by Doctor  
Attainder  
doubted and  
of this Rea  
or our of Pa

neither of them mention'd the Matter contain'd in the Articles as insufficient, but the Reasons assign'd in the Acts of Reversal were, that, " In the Proceedings against the *Spencers* the great Charter had not been observ'd, for the Prelates had not been present, nor assented thereto; besides some other Defects in Form. That what Opinion our greatest Lawyers since had of that Act of Exile, sufficiently appear'd, *Co. 7. 11. Calvin's Case*, the words these, " In the Reign of *Edw. 2.* the *Spencers*, " the Father and the Son, to cover the Treason hatched in their " Hearts, invented this damnable and damn'd Opinion, That " Homage and Oath of Leigeance was more by reason of the " King's Crown (that is of his Politick Capacity) than by reason of the Person of the King; upon which Opinion, says the Lord chief Justice *Cook*, they inferr'd most execrable and detestable Consequences. First, If the King do not demean himself by Reason in the Right of his Crown, his Leiges are bound by Oath to remove the King. Secondly, Seeing that the King could not be reform'd by Suit of Law, that ought to be done by Force: All which were condemn'd by two Parliaments, one in the Reign of *Edw. 2.* call'd, *Exilium Hugonis Le Spencer*, and the other *1 Edw. 3. Cap. 1.* He said he barely mention'd those Acts to show, that however applicable the Case of the Revolution might be to that of King *Edw. 2.* yet those very Persons, by whom the King was depos'd, thought it so high a Crime in the two *Spencers*, to take on them to publish such Positions, as to deserve Banishment. The next Law he beg'd leave to mention, was, the *25 Edw. 3. Cap. 2.* which in general Terms declar'd the levying War against the King in his Realm to be *High Treason*, without any Exception whatsoever: Which was an Instance of what he contended for, that the Law, in all Cases concerning our Allegiance, laid down the general Rule, without making any Exception. So in the Oath of Obedience (as enjoyn'd *3 Ja. 1. 4.*) all Persons were to Swear to defend the King to the utmost of their Power, against all Conspiracies and Attempts whatsoever, which should or might be made against his Person, Crown or Dignity. He urg'd the Oath was in General, without any Exception express'd in it; and no Man would presume to say, that Oath, which had been taken from the *3 Ja. 1.* 'till after the Revolution, was not true. But the Answer to be given was, the same he gave in this Case, that Cases of Necessity, such as the Revolution, were imply'd, they were improper to be express'd, and why might not the like Implication equally be allow'd in the General Assertion made by Doctor *Sacheverell*? By the Act made *12. Car. 2. c. 30.* for Attainder of the Regicides, it was declar'd, that by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People collectively, or representatively,

nor

nor any other Persons whatsoever, ever had, hath, or ought to have, any coercive Power over the Kings of this Realm.

That Aft, Sir Simon declar'd he could not apprehend to be repeal'd; and if it were not, he besought their Lordships that Dr. Sacheverell might be try'd by it; and that they would be pleas'd to consider whether the Doctor's Assertion concerning Resistance had out gone the Declaration in that Law.

For their Lordships hear'd how fully the Fundamental Law of the Kingdom was declar'd by that Aft; and the Doctor had only said, *'Tis Illegal to resist the Supreme Power on any Pretence whatsoever.* It might possibly be observ'd that the Expression at the End of that Declaration, extended only to a Coercive Power over the Person of the King; and what Inference might be drawn from thence, he knew not, but certainly there was nothing in the Doctor's Sermon but what might be abundantly justify'd by the Declaration in that Aft.

That, The Militia Aft, the 13th and 14th Car. 2. cap. 3. for ordering the Forces in the several Counties of the Kingdom contain'd a Declaration as strong as the former; for by that Aft 'twas declar'd, That neither both or either of the Houses of Parliament could, or lawfully might, raise or levy any War, offensive, or defensive, against his Majesty, his Heirs, or lawful Successors. That when he perus'd this last Declaration in the recital of the Aft, he had read carefully to the End of it, to look for the Exception, but could find none; and if there were no Exception in that Aft, but that it stood as a general Declaration of the Law; if neither, nor both the Houses of Parliament could or might raise or levy War, offensive or defensive, against the King, could it be a high Crime and Misdemeanor to assert in general Terms that Resistance to our Prince was unlawful? He therefore pray'd their Lordships would compare the Doctor's Assertion in his Sermon with the Declaration in that last Aft of Parliament.

He further instanc'd, That by the Corporation Aft, 13 Car. 2. Sess. 2. Cap. 1. all Mayors, Aldermen, Common-Councilmen, and other corporate Officers there enumerated, were requir'd to take an Oath, That it is not lawful upon any Pretence whatsoever to take Arms against the King. By the Militia Aft, already mention'd, the same Oath, That it is not lawful on any Pretence whatsoever to take Arms against the King, was requir'd to be taken by every Peer of the Realm, before he could be capable of acting as a Lieutenant, or Deputy Lieutenant; and by every Commoner of England, before he could be capable of acting as a Lieutenant, Deputy-Lieutenant, Officer or Soldier in the Militia, and by the Aft of Uniformity, 13 & 14 Car. 2. Cap. 4. all Ecclesiastical Persons, and many others under the several Denominations in that Aft, were requir'd to subscribe to the Truth of that Assertion, That it is not lawful on any Pretence

Pretence  
was the  
us'd 'in t  
to the Su

Howe  
to those  
of the la  
" forth t  
" several  
" taken b  
" Parlian

Sr. Simon  
admitting  
thence by  
no way di  
come the  
ken thenc

But as t  
Lawful to  
scribing t  
nant; an  
and Cover

He bes  
of that O  
was a ge  
ers, in th  
was no E  
Then the  
as true be  
fore true  
true? W  
made it  
Propositio  
since the C  
no Man we

Having  
before the  
beg'd the  
stor's Aff  
Resistance  
than the  
of the K  
Declaration  
taken by  
the 25th  
Resistance  
soever; an  
the Chara



*Pretence whatsoever to take Arms against the King.* That such was the Language of the Laws, and the like the Apostles had us'd 'in their Precepts touching Obedience and Non-Resistance to the Supream Power.

However he was to observe, that an Objection had been made to those several Acts, that by an Act made in the Second Year of the late King and Queen, 'twas Enacted, " That from thenceforth the Oath enjoin'd to be taken or subscrib'd, by the several Acts above mention'd, should not be requir'd to be taken by any Person whatsoever; and that the former Acts of Parliament, as to that Oath, were thereby repealed. That, Sr. *Simon* thought a very tender Repeal, if it were one; but admitting it to be one, it seem'd to have been argu'd from thence by a Learned Gentleman, with whom in many things he no way differ'd, that the Doctrine of Non-Resistance was become the more Unlawful, because that Oath was not to be taken thenceforward.

But as the Corporation Act requir'd the Swearing 'twas not Lawful to take up Arms against the King, so did it direct the Subscribing to the Unlawfulness of the Solemn League and Covenant; and then by the same Argument, the Solemn League and Covenant might be prov'd to have been a Lawful Oath.

He besought their Lordships to consider, whether the Repeal of that Oath could have any Weight with their Lordships. For that was a general Assertion, to which all the Peers and Commons, in the Employments mention'd, were to swear; and there was no Exception in the Oath, but what was implied in it. Then the Question would be, whether the Proposition was not as true before it was Sworn, as after? Whether it was therefore true because 'twas Sworn, or was it Sworn because it was true? Whether the Swearing it made true, or the Truth made it fit to be Sworn? If it was true when it was Sworn, the Proposition was equally true before, and since. And he believ'd since the Oath had been taken by so many Peers and Commons, no Man would pretend to question the Truth of the Proposition.

Having gone through the several Laws he design'd to lay before their Lordships on that Occasion, Sir *Simon* Humbly beg'd their Lordships would be pleas'd to compare the Doctor's Assertion in his Sermon concerning the Illegality of Resistance with them; and consider whether it were stronger than the Declaration of the Undoubted and Fundamental Law of the Kingdom, in the Act against the Regicides; or the Declaration in the Militia Act, or the Oath requir'd to be taken by so many Acts of Parliament, or the Declaration in the 25th Edward 3d. since all the Doctor had said was, That *Resistance to the Supream Power was Illegal on any pretence whatsoever*; and all the Peers and Commons of *England*, under the Characters and Impleymts beforemention'd, had Sworn

to the Truth of it; the 25th *Edward* 3d declar'd it to be High Treason; and their Lordships had heard what *St. Paul* said.

He added, he had began his Discourse, relating to the Doctrine of the Church and the Laws of the Land, with the most sincere Protestation, that it was far from his Intention to offer any thing Inconsistent with the Justice of the Revolution; he thought the Justice of it Consistent with the Laws, the Exceptions to be made being always imply'd: And that none could show themselves truer Friends to the Revolution, than those who prov'd that the Revolution might stand without Impeaching the Doctrines of the Church, or any Fundamental Law of the Kingdom. That Doctor *Sachaverell* having been Impeach'd for not making the Exception when he laid down the General Rule, he beg'd leave to turn the Case, and suppose the Doctor had made it. Had he been stating the Case of a Revolution, on a Day when he urg'd the Illegality of Resistance, on a Day when, if he did not Preach, he was oblig'd to read one of the Homilies against Rebellion, where there is no Exception; had he been picking Holes for the Subject to creep out of his Allegiance, and been then cited before his Diocesan; the Question was whether it might not have been ask'd him on what Authority he presum'd to Preach in that manner? Whether he found such Doctrine taught by the Apostles, by the Homilies, or by any of the Reverend Fathers of the Church? Whether he might not have been told it was his Duty, having such great Examples before him to press the general Duty of Obedience, and the Illegality of Resistance, without making any Exception whatsoever? Had he been question'd before the Temporal Power for Preaching as he had done, had an Indictment been fram'd against him on his General Assertion, and brought before the twelve Judges, *Sir Simon* humbly apprehended, not one of them would have declar'd he went too far: But had he been making Exceptions out of the General Rule of Obedience, and to be tried by such Judges as were before the Revolution, might he not have been told, 'twas easie to discern what Spirit he was of, of what Party he was, and what he aim'd at, what he intended, that he had not Preach'd in Defence of the late Revolution, to shew the Justice of it; but had cover'd the Treason of his Heart, and under Pretence of justifying one Revolution, labour'd to bring about another; when he knew how far the Design had gone of landing the Pretender but two Years before, for he could mean nothing else by picking Holes in the Rules for the Subjects Obedience?

He said, he had but a Word or two to add to the other Charges of that Article: That the Gentlemen of the House of Commons had been pleas'd to observe, that tho' there were four Articles, the Substance of them all center'd in the first.

The

The fec  
jesty in  
stance.  
ticle of  
in an ol  
prehend  
to expr  
decent a  
the Doct  
have spo  
the Gent  
Resistan  
Sovereig  
Majesty  
because  
pleas'd.  
might be  
had taken  
possibly  
Gentlem  
ginal Re  
been dor  
found Fau  
what the  
to the K

But th  
tice of th  
Whether  
Conquest  
never bee  
his Mem  
the Docto  
that it ha  
nals of bo  
solv'd the  
King and  
jetties rig  
ples on  
the Subve  
of Januar  
to the Co

The lat  
sistance to  
his late M  
Words, o  
and the Re  
of a Sente  
his late M

The second Charge in which Article was, *That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance.* That he hop'd it was not a sufficient Ground for an Article of Impeachment, if the Doctor had express'd himself in an obscure manner; he own'd he could not easily comprehend him, himself, but it might be any Man's Misfortune to express himself in such a manner, as that it might be decent and fit for him to explain himself: And he hop'd, the Doctor had explain'd himself so as to shew, that tho' he might have spoken improperly, he had yet spoken innocently. That the Gentlemen of the House of Commons had declar'd that by Resistance they meant the Resistance of the Subject to their Sovereign; but Resistance, where the Doctor mention'd his late Majesty to have disclaim'd it, could not have that meaning: because he was a Sovereign Prince, and might resist whom he pleas'd. But perhaps the Passage in the Doctor's Sermon might be capable of different Constructions, yet the Doctor had taken Care to prevent all manner of Mistakes that might possibly arise from thence: He had not only (as one of the Gentlemen of the House of Commons observ'd, made a Marginal Reference to show what he meant, which might have been done when he apprehended that Expression would be found Fault with; but he had in the Sermon it self quoted what the Parliament did in burning a Treatise which related to the King's having conquer'd the Kingdom.

But the Question was put, what he had to do to take Notice of that Matter, and what led him to justify the late King? Whether ever any Body living had imputed any such thing as Conquest to him? To which he answer'd, That if there had never been but that one Imputation endeavour'd to be cast on his Memory, as he had never heard of any other, surely then the Doctor had done well to wipe off that Imputation; and that it had been laid to his Charge, he refer'd to the Journals of both Houses of Parliament. Their Lordships had resolv'd the Affection of King *William's* and Queen *Mary's* being King and Queen by Conquest, to be injurious to their Majesties rightful Title to the Crown, inconsistent with the Principles on which the Government was founded, and tending to the Subversion of the Rights of the People: And on the 25th of *January 1692*, their Resolution having been communicated to the Commons, had been unanimously agreed to,

The last Part of that Article he said was, *That to impute Resistance to the Revolution, was to cast Black and Odious Colours on his late Majesty, and the said Revolution.* That those very Words, of casting Black and Odious Colours on his late Majesty, and the Revolution, were in the Doctor's Sermon at the Close of a Sentence, which immediately preceeded the Expression of his late Majesty's disclaiming the least Imputation of Resistance: And



And it was impossible to mistake the Place, their Lordships might examine it; and from thence the Doctor might take his Fate, Whether that Passage were applicable to what went before or to what follow'd after. Those Words of *casting Black and Odious Colours* being so far from referring to *his late Majesty's disclaiming the Imputation of Resistance*, that they concluded the Sentence which went before, where the Doctor mention'd *New Preachers and new Teachers that broach'd abominable Positions, that the People had a Right to cancel their Allegiance at Pleasure, to call their Sovereign to Account, and who pretended to justify the horrid Murder of the Royal Martyr King Charles the First, and endeavour'd to skreen themselves, and their vile Notions, under the Revolution.* And the Doctor after mentioning those new Preachers and their Doctrine, went on, *Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence. But certainly they are the greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour to cast such Black and Odious Colours upon both.* He desir'd to know of their Lordships what that refer'd to, whether it did not Clear the Revolution against the Venom of those Miscreants, who publish'd such villanous Assertions as those? But a Learned Gentleman had ask'd, what a Minister had to do to meddle with those things? He answer'd, if any Man offended against the Temporal, or Ecclesiastical Laws, the Courts were open, the Magistrates were to punish.

To conclude, He did not find, if the Doctrine held, that he ought to preach against any thing, if he were not to preach against any thing that might be prosecuted, either in the Temporal or Ecclesiastical Courts, he might not preach against any Offence that was forbid by the Ten Commandments. Perhaps it would be urg'd, that there were no such People as those New Preachers and New Teachers, that he was raising a Phantom, and then throwing it down; he was only imagining Cases, of which there were no Instances; that there were no such Men who endeavour'd to Justifie the Murder of King Charles, or Defend it by the Revolution. But they would show there were too many Instances of such Persons who made no Scruple to publish those Positions, and cast Reflections on the Queen and Her Government, whom the Doctor had been Defending. That he was not the Person he had been represented, he had no disloyal Thoughts about him; And would rather die in Her Majesty's Defence. They would show their Lordships that there were such as ran most vile Comparisons between the Revolution, and the most execrable Murder of King Charles the First, and could find no better Difference between them, than the abominable Distinction of a *Wet Martyrdom*, and a *Dry One*.

After

After Sr.

THat not been us'd tho' never

That, with Subm one princ minal bef the whole pressio ha usual in o ment to t ment in h ment was stand or fa been peru gested (as thereof: I times they for having the proper

But the want of o ed on the an Account rible Defig find both taken of t

That for tlemen M ighth Henry bended wa Supremacy had been King Henry bear the D wore the C

That ma the House them; and the genera hop'd their did nor cor Judgment

After *Sr. Simon Harcourt*, *Mr. Dodd* Spoke in Defence of the Prisoner to this Effect.

THAT he was also a Council for *Dr. Sacheverell*, and could not but think that by the same Arguments that had been us'd to maintain those Articles, any Book or Sermon, tho' never so innocent, might be represented as a Libel.

That, the Gentlemen Managers of the House of Commons, with Submission, had scarce any three of them agreed in any one principal Point, excepting in the Doctor's being a Criminal before he was Condemn'd: For he had been throughout the whole Debate (generally speaking) so call'd; the usual Expression having been, The Criminal at the Bar; which (as not usual in other Places) would have been a great Discouragement to them that were his Council, and great Discouragement in his Defence, but that they consider'd, that the Judgment was their Lordships, and that by their Justice he must stand or fall. It had been represented as if the Sermon had been perus'd and approv'd by Lawyers, but was only Suggested (as other matters had been) without the least Proof thereof: Different Facts had been charg'd upon them; sometimes they were tax'd for having said too much, and sometimes for having said too little, and not mentioning things that were the proper Subject of the Day.

But they apprehended those Matters were objected for want of observing the Sermon it self, for as it had been preached on the Fifth of *November*, so their Lordships would find an Account given for a Leaf together, setting forth the horrible Design of the Powder Plot: Their Lordships would also find both in the Body and Conclusion of the Sermon, Notice taken of their Deliverance on that Day.

That some Acts of Parliament had been cited by the Gentlemen Managers for the House of Commons, that of the *5th Henry VIII.* about the Supremacy, which they apprehended was not to the present purpose; as only asserting the Supremacy, that is, the Independency of the Crown, which had been usurp'd by the Papal Authority; for surely *King Henry* the VIII had been a Prince that would as little bear the Doctrine of Resistance, as any Sovereign that ever wore the Crowns of these Kingdoms.

That many things had been said by the Gentlemen of the House of Commons wherein they heartily agreed with them; and the Revolution was a Case they all agreed, out of the general Rule, and so in every thing they said, they hop'd their Lordships would understand it; for they neither did nor could understand it otherwise; it being against their Judgment and Interest to think otherwise; they were hearty

M

Well-wishers

Well-wishers to the Revolution, and to the Happiness of *England* which was in a great measure built upon it; They agreed the Law of the Land was the Measure of the Prince's Authority, and the Peoples Rights; that in the Case of the Revolution, when the Laws were overturn'd, Popery was coming in, and Property signify'd nothing, the People of *England* invited by His late Majesty, had resorted to the last Remedy, even that of Necessity, and that Necessity had induc'd Resistance, and justify'd 'em in it, and upon that Foot the Revolution had succeeded: They totally deny'd that the Doctrine of Non-Resistance, as laid down, and asserted by the Doctor, was intended for the Pretender, or any other, but Her Majesty and Her Government, or could be constru'd a thwarting the Revolution; his Assertions were General, and those General Assertions would have their particular Exceptions.

That it had not, nor could be made out, that they had an Eye in Favour of the Pretender in any Part of that Discourse: And some of the Gentlemen had admitted that the Doctrine in the Main was Right, but said the Defendant had his Thoughts, his Eyes on the Pretender; which was so very contrary to what the Doctor had asserted in his whole Sermon, that he hop'd there was no Ground for it; for the Doctor (as a Dutiful Subject) took Notice that Her Majesty was the Last of the Lineal Descent, as the Relict of the Royal Family, which quite disown'd the Pretender and his Right: And could any one imagine, that in such Expressions he could have an Eye to the Pretender? For if there were any Pretence of Title in the Pretender, it must be as a Descendant of that Family: But he had taken Notice that Her Majesty was the only one left of that Family in a Lineal Descent, and he thought that was enough to acquit the Doctor of having any Eye to Him beyond the Water.

Having premis'd those Remarks, he said he should next Consider the Articles as they lay before their Lordships. And in the Preamble to them, there was Notice taken of three Acts of Parliament. The First, the *Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*. The Second, the *Act for preventing Vexatious Suits against such as acted in Order to bring in their Majesties, and for their Services*. The Third, the *Act for Paying the States-General of the United Provinces their Charges, for His Majesty's Expedition into this Kingdom, and for other Uses*. That those were the Three only Acts cited in the Preamble of the Articles; to each of which he should say but a Word. And as to the *Act call'd the Bill of Rights*, he did not find that that Act medled with the Points of Resistance, or Non-resistance, the whole Ground and Tenour of it being upon the Abdication. And

settling

settling  
it said,  
Governm  
stating  
the Thr  
That Ki  
Majesties  
and Queen  
as to the  
the Subje  
cient Inh  
cant, and  
Rightful  
they had

That,  
Vexatious  
Majesties,  
Bill of Ri  
the same  
Edw. 3, a  
of Indem  
ry; only  
Transgres  
to private  
them from  
all Action

Then,  
the States  
tice, but  
sistance to  
Deliveran

That, t  
and Publish  
done with  
and subver  
as by Law  
aspers the  
late happy  
both House  
Her Majest  
That thos  
the Article  
make thos  
Those Fact  
not guilty  
Lordships.

But he v  
shortly spea



settling the Crown upon the Vacancy of the Throne. For it said, *Whereas the late King James II. having Abdicated the Government, and the Throne being thereby Vacant, &c.* Without stating any other Fact, or mentioning Resistance. But the Throne being Vacant, the next Head in that Act said, *That King James having Abdicated the Government, and their Majesties having accepted the Crown, did become Lawful King and Queen; &c.* And those were the only Passages in that Act as to the Matter in Hand, it had Preserv'd the Liberties of the Subject, Establish'd several Rights which were their Ancient Inheritance, told the People that the Throne was Vacant, and being so, that their late Majesties were Lawful and Rightful King and Queen, as undoubtedly they all agreed they had been.

That, The next Act mention'd was, the *Act for preventing Vexatious Suits against such as acted in Order to the bringing in their Majesties, or for their Service*: Which went further than the Bill of Rights; but whoever Read it, would find, it was but the same Act in Effect, that had been Enacted in the Reign of *Edw. 3.* after the deposing of *Edward the 2d.* being a meer Act of Indemnity, an Act of Pardon for Officers Civil and Military; only excepting those from Prosecution who having been Transgressors against the strict Rules of the Law, were subject to private Actions; and no less could be done than to exempt them from such Prosecutions, and therefore that Law pardon'd all Actions of Trespas committed upon that Occasion.

Then, The next Act taken Notice of was, *That for Paying the States General.* Which he did not see took any other Notice, but was only for paying the *Dutch 600000 l.* for their Assistance to his Majesty at his coming into this Nation, for our Deliverance from Popery and Arbitrary Power.

That, then the Preamble charg'd the Doctor with *Preaching and Publishing the Sermon and Dedications*; which was said to be done *with a wicked, malicious, and seditious Intention, to undermine and subvert Her Majesty's Government and the Protestant Succession as by Law Establish'd, to defame her Majesty's Administration, to asperse the Memory of his late Majesty, to traduce and condemn the late happy Revolution, to contradict and arraign the Resolutions of both Houses of Parliament, to create Jealousies and Divisions among Her Majesty's Subjects, and to incite them to Sedition and Rebellion.* That those were the Corollaries drawn from the Preamble of the Articles of Impeachment, and those the Facts which must make those Articles Criminal, or they could not be so at all. Those Facts they utterly abhor'd and deny'd, and said they were not guilty of them, and hop'd it would so appear to their Lordships.

But he would come to the first Article it self, and should shortly speak to the three Divisions of that Article: Which consisted

lified of three Heads; the first whereof was, *That the Doctor Suggested and Maintain'd, that the Necessary Means us'd to bring about the happy Revolution were Odious and Unjustifiable.* The second, *That his late Majesty, in his Declaration, disclaim'd the least Imputation of Resistance.* And the third, *That to impute Resistance to the Revolution, was to cast black and odious Colours upon his late Majesty and the Revolution.*

As to the first, which imported his suggesting, *that the necessary means us'd to bring about the Revolution were Odious and Unjustifiable*: They could not have a better Answer to it, than utterly to deny the making of any such Assertion; which they had not done in Words, nor in any Words that would bear that Construction. They insisted, that as it could not be prov'd out of the Sermon, so neither out of any other Action of the Doctor's Life, or any other Sermon by him Preach'd; that he had in no Part of his Sermon affirm'd any thing of the *Necessary Means us'd to bring about the Revolution*, which was a Point not fit for the Doctor to meddle with, the Legislature having taken Care of it; but on the contrary, they had all along endeavour'd in that Sermon to clear the Revolution and his late Majesty (and hop'd it had been done effectually) from the black and odious Colours which their greatest Enemies had endeavour'd to cast upon them. To that Part of the Article they had pleaded not Guilty; they had deny'd the Fact, it not been prov'd upon them; the Sermon did not prove it, nor did the Declaration prove it, but prov'd quite the contrary, as by several Paragraphs of the Sermon compar'd together would appear.

That, The second Division of the same Article, was, *That his late Majesty, in his Declaration, disclaim'd the least Imputation of Resistance.* Which Fact they did acknowledge, if it were Understood as the Doctor Explain'd, and prov'd it by the Declaration it self; in which Sense they took it to be very Just and True; the Resistance the Doctor had mention'd being such a Resistance as tended to Conquest only, as by the Words Printed, and Referr'd to in the Sermon, plainly appear'd, and it could have no other Consideration, or Meaning, as would be manifest to any who read that part of the Sermon with any Candour, or Ingenuity; and the Doctor had taken Care to express it in Words, that there might be no room for Exception. *His Highness declares, in Opposition to those who give out, that we intend to Conquer and Enslave these Nations, that we have thought fit to add a few Words to our Declaration; It is not to be imagin'd that either those who have invited us, or those who are already come to assist us, can join in a wicked Attempt of Conquest, to make void their own lawful Titles to their Honours, Estates and Interests.* And it had been so undoubtedly, for he came not to Conquer and Enslave, but to make the People free, and to preserve and restore their Religion, Laws and Liberties; which had been the

the Sen  
such A  
upon.

Then  
the Ma  
and disc  
ance, t  
Matter  
turn'd t  
Meanin  
William'

So the  
volution.  
jesty and  
to have  
Sermon  
being an  
neither a  
stance to  
who wer  
the Wor  
tence re  
who plac  
to call t  
sure; Po  
and State  
those Pri  
tended b  
black and

The D  
general P  
to the Sup  
preme Pow  
Article, i  
House of  
turn'd, an  
be no Re  
an Occas

Therefo  
as a Rule  
that Rule,  
Revolution  
it ought to  
was not ex  
Parliamen  
after menti

That I  
tures, and

the Sense of the Nation ; and Notions of a different kind, and such Assertions in Printed Sermons, had been Animadverted upon.

Therefore if the Doctor having his Eye in that Expression on the Matter of Conquest which had been insinuated by others, and disclaim'd by the late King, did express the same by Resistance, the Expression, they hop'd was applicable to the subject Matter that was before him, and ought not to be wrested or turn'd to any other Purpose ; for nothing could better shew his Meaning than his own Quotation : Where he referr'd to King William's Declaration, to justify him in that Matter.

So the next Head was, That to impute Resistance to the said Revolution, was to cast black and odious Colours upon his late Majesty and the said Revolution. Which they likewise utterly deny'd to have Maintain'd ; having said no such Thing quite thro' the Sermon ; nor taken upon them to meddle with that Point : It being an improper Subject for the Doctor to meddle with, who neither affirm'd, nor said any thing of those who imputed Resistance to the Revolution ; but those the Doctor intended, and who were plainly meant, if the preceding Words ought to be the Words to which the Subsequent and Conclusion of the Sentence related, then those were Persons of dangerous Positions, who plac'd the Power in the People, who pretended to a Power to call their Sovereign to an Account at their Will and Pleasure ; Positions that were condemn'd by the Laws of the Church and State, and then vouch'd the Revolution in Defence of those Principles. Those were the Persons mention'd and intended by the Doctor, whose Principles and Practices did cast black and odious Colours upon the Revolution.

The Doctor they own'd, in this Sermon, had asserted that general Proposition, viz. *Absolute Obedience in all things lawful to the Supreme Power, and the utter Illegality of Resisting the Supreme Power upon any Pretence whatsoever* : And that being the Article, if they understood some of the Gentlemen of the House of Commons aright, on which the whole Impeachment turn'd, and that if they were clear of that Article, there would be no Reason to follow them upon the others, it gave them an Occasion to enlarge a little further upon that Point.

Therefore, as for Non-Resistance in general they asserted it as a Rule, yet they agreed there was an Exception imply'd in that Rule, and that Exception, they said, was the Case of the Revolution : When this general Rule had an Exception in it, it ought to be in a Case of the utmost Necessity imply'd, which was not express'd, stated, or determin'd in any Law or Act of Parliament that he knew of, except in the Particular therein after mention'd.

That Doctrine he said was agreeable to the Scriptures, and Taught by the Church of England in her Homilies, Articles



Articles and Injunctions, by her Bishops and Fathers; and in all Admonitions from the Bishops and Pastors of the Church, from time to time. That he should not name them, some of them having been already nam'd: But would produce Sermons Preach'd before Her Majesty, their Lordships, and the House of Commons, on the most Solemn Occasions, where that Doctrine had been fully asserted, even beyond what the Doctor had laid down: That both their Lordships and the Commons had return'd Thanks to the Bishops and Clergy who had Preach'd them, and therefore they could not apprehend themselves to be worthy of that Reprehension: For they would produce them in Evidence, and vouch Authorities before the Reformation, and in the Infancy of it. The Homilies which were allow'd by the Church, and Establish'd by several Acts of Parliament.

And that they took to be agreeable to the Laws and Statutes of the Realm. And the Law made it high Treason, for particular Persons to Resist the Supreme Power.

That the *Spencers* in *Edward* the Second's Reign asserting That if the King did not Govern well, the People might remove him, and that by Force; had been Condemn'd by two Acts of Parliament, in *Edw.* 2d. and *Edw.* 3d's Reign. That the Act of the 25 *Edw.* 3. that famous Act which had been the Standard for Treason for many Ages, was agreeable to the Doctor's Assertion; and when there had been Breaches made in that Law, in *Queen Mary's* time, those Acts had been again repeal'd: So that it was needless to repeat, that to resist the Executive Power, and the Person of the King, was by that Act, compassing his Death, and levying War against him, and it had always been look'd upon that Resisting the King, was levying War, and compassing and imagining the Death of the King; for which Reason he would say no more on that particular Act of Parliament, but would come to later Times.

And accordingly in the Act of the 12 *Car.* 2. Cap. 30. it was declar'd, That it is the Undoubted and Fundamental Law of this Kingdom, that neither the Peers of this Realm, nor the Commons, nor both together, in Parliament or out of Parliament, nor the People collectively or representatively, nor any other Persons whatsoever, ever had, have, or ought to have any Coercive Power over the Persons of the Kings of this Realm. Which was a Declaration as full as could be, as full as the Doctor's Sermon, and yet that Declaration, he agreed, ought to have an Exception in a Case of the utmost Necessity: And he hop'd there was as much Reason to allow the Doctor an Exception, as in that Act of Parliament.

The next Act was the Corporation Act, 13 *Car.* 2. directing all the Officers of Corporations to Swear, That they do believe, That it is not lawful, upon any Pretence whatsoever, to take

Arms

Arms ag  
by all t  
could ca  
of these  
whether  
he would

The n  
the same  
Deputy-  
upon any  
And the  
declar'd,  
nor, nor  
against h

The n  
The n  
Parsons,  
upon any  
The n  
engag'd  
Enemies,

And th  
Oath, i  
late Reig  
Reign, w  
the King  
Traiterou  
made aga  
Words m  
to declare  
Abjuratio  
upon the  
could not  
not the v

Mr. L  
ctrine of  
ranted b  
Exception  
Wisdom  
vate Per  
about Ne  
no Reaso  
Words o  
put upon  
Propositio  
all the D  
the Quee  
Doctor h

*Arms against the King.* Being as full a Declaration to be made by all the Magistrates of Corporations, as general Words could carry, and yet he would be understood in every One of these, that there was an Exception of Necessity; but whether the Doctor was a proper Judge of that Necessity, he would take notice soon after.

The next was the Militia Act 13 and 14 Car. 2. and in it the same Declaration to be made by every Lord Lieutenant, Deputy-Lieutenant, Officer and Soldier, *That it is not lawful, upon any Pretence whatsoever, to take Arms against the King.* And the Preamble of the same Act still stronger, where it was declar'd, *That both or either of the Houses of Parliament, could nor, nor lawfully might raise or levy any War offensive or defensive, against his Majesty, his Heirs, or lawful Successors.*

The next was the Act of Uniformity 13 and 14 Car. 2.

The next the Act for Select Vestries, enjoining all Deans, Parsons, &c. to make this Declaration, *That it is not Lawful, upon any Pretence whatsoever, to take Arms against the King.*

The next, the Act of Association, whereby all Persons were engag'd to stand by and assist one another, against all his Majesty's Enemies, without any Limitation.

And the next was the Act for Establishing the Abjuration Oath, 13 and 14 King William, which had been taken in the late Reign, and the Acts of the 1 and 6 of Her Majesty's Reign, whereby all Persons in Office were to swear to defend the King and Queen, to the uttermost of their Power, against all Traiterous Conspiracies and Attempts whatsoever, which should be made against Her Person, Crown or Dignity. And that those Words might have the plain Sense put upon them, *They were to declare that they made that Recognition, Acknowledgment, Abjuration, Renunciation, and Promise, heartily, willingly, and truly, upon the true Faith of a Christian.* Therefore that Resistance could not be agreeable to that Abjuration, for to resist was not the way to Defend.

Mr. Dodd proceeded, telling the Lords, they thought the Doctrine of Non-Resistance, as a general Proposition, was warranted by the Laws of the Land; and when there was an Exception imply'd therein, ought only to be determin'd by the Wisdom of the Nation, and not by any one Doctor or private Person whatsoever. But the Doctor's Proposition was about Non-Resistance of the Supreme Power, and they had no Reason to take a greater Weight upon them than the Words of the Sermon; and whatever Construction might be put upon it, in Relation to the Executive Power, yet the Proposition held good as to the Supreme Power, which was all the Doctor had asserted. That the Supreme Power was the Queen and Parliament and to that Supreme Power the Doctor had prest the utter Unlawfulness of Resistance; and

he had not heard it said by any that it was lawful to resist the Queen in Parliament, for there was the Strength of the Nation, and to it there ought to be a Standing Obedience, otherwise it would be setting up the People to be Judges, and not the Collective Body of the People assembled in Parliament.

That in a particular Case of the utmost Necessity, what Constructions were to be made as an Exception out of the General Rule ought to be left to Time and Circumstances (when such a Case should happen) to determine, and ought to be determin'd by the Wisdom and Strength of the Nation, if ever such a Case should happen, which he hop'd never would more.

That there was one Exception made in one particular Case in the Bill of Rights, which Enacted, *That if the King or Queen should be reconcil'd to the See of Rome, or profess the Popish Religion, or marry a Papist, then such Person should be excluded from inheriting the Crown, or having Regal Power in the Realm, and that the People should be absolv'd of their Allegiance.* which he took to be the first stated and determin'd Exception to that General Rule that ever had been made in any Act of Parliament,

That they thought a Government could scarce be just to it self, that did not encourage and command that Obedience, that Non-Resistance. It being a Rule profitable to all Governments, whatsoever the Nature of them might be; as being for the Peace and Quiet both of Church and State; and it would be wise Work to have the Exception to that Rule stated, by every one that come into a Pulpit. He knew not whether it would be high Treason in them to do it, but was sure it would be a High Crime: And if those Points were doubtful or disputable (as at least ought to be agreed) sure they were no Grounds for an Impeachment.

For what Doctrines should a Minister of the Church of England preach, if not those which were deliver'd in the Scriptures, and in the Doctrines of that Church? Should he search another Rule than what was laid down in the Scriptures, the Laws and the Fathers of the Church? Should he tell the People, that the Doctrine of the Church of England was the Doctrine of Non-Resistance of the Supreme Power? Or should he limit that Rule, and state the Exceptions of it? Sure that would be very strange for the Doctor to do. He should then tell them that Resistance was Unlawful, but there was an Exception to that Rule; but what that Exception was he must not tell them, but they must find it out as they could. Which would be to pick Holes in the Duty and Allegiance of the Subject, and would look like the Blind leading the Blind.

They

They  
for a Mi  
it would  
Preache  
tion, he  
in the V  
ver'd it  
help the  
out of th  
So the  
be unde  
vernmen  
to the La  
fortune t  
Doctrine  
least it m  
Syllable  
the Doctr  
ting and  
a passion  
Royal Fa  
That t  
the Law  
been alw  
Nation, a  
Loyalty t  
That t  
Sermon:  
ing for t  
veral Pla  
which wo  
have thus  
proceeds fr  
heavy Ze  
after such  
be no Con  
ing a full  
and Zeal  
and State  
In shor  
any plain  
not been  
struction,  
rent Plac  
make up  
sions draw  
ment, the  
never be e



They could not but think it would be a very strange thing for a Minister of the Gospel to distinguish in that Case: Nay it would not be allow'd him, and it would be an Offence for any Preacher so to do. He ought to preach the general Proposition, he ought to inculcate the General Rule, and to preach in the Words the Laws of God, and of the Land, had deliver'd it in; he ought not to vary it, to find Meanings to help the People, like a good Casuist, to distinguish themselves out of their Allegiance.

So they apprehended the Doctor's whole Sermon ought to be understood, not as razing the Foundations of the Government, not inciting to Rebellion, but preaching Obedience to the Laws of God and Man. He said, it was a great Misfortune for the Doctor to be represented as preaching that Doctrine for the sake of the Pretender. But they thought at least it might be a Comfort to him, that there was not a Syllable of Proof or Truth in it; and that on the contrary, the Doctor had disclaim'd all Right in the Pretender, by asserting and acknowledging Her Majesty's Right, and expressing a passionate Concern, that Her Majesty was the Relict of the Royal Family.

That they had given all the Assurance of their Fidelity which the Law demanded, they had taken the Oath of Abjuration, been always submissive to Her Majesty, and the Laws of the Nation, and given all the Security of the Allegiance and Loyalty that the Government requir'd.

That the Doctor had fully declar'd his Meaning in that Sermon: all along submitting to the Government, and praying for the Queen and Government. He had done it in several Places of his Sermon, and Particularly in one Place, which would carry a great Weight in it. Where he said, *What I have thus freely spoken, I hope is as much without Offence, as it proceeds from a tender Concern for Her Majesty's Person, and a hearty Zeal for the Safety of our Church and Constitution.* That after such a Declaration, in Common Justice, there ought to be no Construction of his Meaning made by Inference; that being a full Declaration, that what he had done was in Service and Zeal to Her Majesty and the Constitution in Church and State.

In short, since there were not through the whole Sermon any plain Words to ground such a Construction, since there had not been the least Proof offer'd, but only by such forc'd Construction, when different Words were pick'd out from different Places, and Words so distant were join'd together to make up Sentences; and then Arguments fram'd, and Conclusions drawn from those Sentences to make good the Impeachment, they thought it was much too hard, and hop'd it would never be endur'd to pick Part of a Line here, and fix or eight

Lines

Lines after part of another, and to join the Conclusions of one Sentence, and the Beginning of another ; which would be to confound all Reason and Understanding whatsoever. That they took to be no right way of Reasoning, nor a proper Evidence to maintain an Impeachment, and they hop'd their Lordships would therefore acquit the Doctor of that Article.

*The next that Pleaded for the Doctor was Mr. Phipps, the Purport of whose Speech was as follows.*

That he also had been assign'd by their Lordships to be one of the Council for Doctor *Sacheverell*, whom he could not yet think to be a Criminal ; and hop'd that when they had been heard, their Lordships would not think him such.

He admitted as the Case had been stated by the Gentlemen who were the Managers for the Commons, that it was a Cause of very great Moment, and worthy of their Lordships Determination, because it deserv'd the greatest Deliberation, being a Cause as considerable in its Consequences to Her Majesty, the Church, and these Kingdoms, as ever had been brought before their Lordships. And therefore, since it had been the Doctor's Misfortune to incur the Displeasure of the House of Commons, and to lye under the Weight of an Impeachment by that Great and Honourable Body, it was his greatest Comfort (next to being Innocent) to have their Lordships for his Judges, and the Opportunity of so publick a Vindication of his Innocence ; for he did not doubt to give their Lordships and all by whom they had the Honour to be heard, full Satisfaction, that he was not Guilty of any of the Crimes charg'd upon him in any, or either of the Articles.

They agreed with the Managers, that his late Majesty, when Prince of *Orange*, had with an arm'd Force, undertaken a glorious Enterprize for delivering the Kingdom from Popery and Slavery. They admitted that divers Subjects well affected to their Country had Join'd with and assisted him in that Enterprize ; and that the Enterprize being crown'd with Success, the late happy Revolution took Effect, and was Establish'd. They also admitted that the blessed Consequences of the Revolution were, the Enjoyment of their Religion and Laws, the Preservation of Her Majesty's Person, the many Advantages arising by Her Majesty's wise and glorious Administration, the Prospect of Happiness to future Ages by the Settlement of the Succession and the Union of the two Kingdoms.

But that there were other Matters suggested in the Preamble, wherein they differ'd with the Gentlemen of the House of Commons ; for it was therein alledg'd That Doctor *Sacheverell* Preach'd and Publish'd his two Sermons with a malicious and seditious Intention, to Undermine the Government and Protestant Succession,

cession  
Memory  
volution  
to create  
and to l  
totally c

He s  
very hig  
make g  
And to  
every Br  
laid. It  
those Se  
tention,  
to be p  
guarded  
Lives, I  
ture, or  
strain'd  
And tho  
in the C  
press'd t  
Offences  
rences ;  
them, be  
warrant  
Resolutio  
which hav  
trouble t

The ne  
was, Wh  
and sedit  
whether  
their Lon  
Case, had

But tha  
he beg'd l  
made a pa  
yet it had  
Managers  
which was  
alty to the

He said  
beg'd Par  
his Do  
" Fure Dr  
" to und  
" People

*cession to Defame Her Majesty's Administration, to Asperse the Memory of His late Majesty, and Traduce and Condemn the Revolution, to Arraign the Resolution of both Houses of Parliament, to create Jealousies and Divisions among Her Majesty's Subjects, and to Incite them to Sedition and Rebellion. All which they totally deny'd.*

He said, the Offences charg'd upon the Doctor, were of a very high and heinous Nature, the Evidence to maintain and make good that Charge ought to be the clearer and plainer. And to make the Doctor a Criminal within those Articles, every Branch of the Articles ought to be prov'd as they were laid. It ought to be prov'd that he Preach'd and Publish'd those Sermons with such wicked, malicious and seditious Intention, as was alledg'd in the Preamble, and the Proof ought to be plain and positive; for the Laws of England, had so guarded the Persons and Properties of the Subjects, that their Lives, Liberties, or Estates, could not be subject to Forfeiture, or Restraint, by uncertain or conjectural Evidence, by strain'd or unnatural Inferences, Insinuations, or Innuendo's. And tho' he could cite many Authorities and Determinations in the Courts of *Westminster-Hall*, wherein the Judges had express'd their Dislike and Detestation of Convicting Men of Offences, either Capital or Criminal, by Innuendo's or Inferences; yet he forbore to trouble their Lordships with any of them, because he had an Authority Superior to them all to warrant what he said, and that was the Determination and Resolution of their Lordships in *Sir Samuel Barnardiston's Case*, which having been read by *Sir Simon Harcourt*, He forbore to trouble their Lordships with a Repetition of it.

The next thing therefore to be consider'd, *Mr. Phipps* said, was, Whether the Sermons were Preach'd with such malicious and seditious Intention as was asserted in the Preamble, and whether there were such plain, direct and positive Proof, as their Lordships Determination, in *Sir Samuel Barnardiston's Case*, had declar'd to be necessary.

But that before he came to speak to any particular Article, he beg'd leave to observe something, which tho' it had not been made a particular Charge against the Doctor in any one Article, yet it had been urg'd and insinuated almost by every one of the Managers of the House of Commons to enforce every Article, which was, *That notwithstanding the Doctor's Expression of Loyalty to the Queen, yet his Intention was to bring in the Pretender.*

He said, It had been Objected, as he apprehended (and he beg'd Pardon if he was mistaken) " that the Doctor confin'd his Doctrine of Passive Obedience and Non-Resistance to a *Jure Divino* King or Queen, and that from thence it was easie to understand against what Queen the Doctor excited the People to take up Arms. But if the Queen, who had an Hereditary



Hereditary Right, and also a Right confirm'd and establish'd by Act of Parliament could not be said to be a *Jure Divino* Queen, he did not know who could, and he did not think that the Doctor, who asserted the Queen's Hereditary Right, could be charg'd with an Intention to bring in the Pretender. He put it upon their Lordships Judgment, whether the denying Her Majesty's Hereditary Right were not the most likely way to bring him in : For he submitted to their Lordships, whether the denying the Queen's Hereditary Right, were not to suppose an Hereditary Right in some Body else ; and whether that did not leave a Way open (when the Queen's Enemies were strong enough) to bring in that Person in whom the Hereditary Right was suppos'd.

Whereas it had been Asserted, " That the Doctor's pretended Zeal was for Her Majesty, but his real Zeal was for the Pretender ; Mr. *Phipps* said, it was hard to say a Man meant contrary to what he spoke, and that, tho' he declar'd that the Safety, Rights, and Establishment of her Majesty's Government, with those of the Church, were the things he so earnestly contended for, and were his only Aim and Intention ; and tho' he pray'd that God would Preserve Her Majesty, for the Comfort and Support of the Church and Nation, yet it was suggested that his chief Aim and Design was to Dethrone Her Majesty, to set the Crown upon the Head of the Pretender, and to establish Popery, or at least a Church independent on the State. And tho' he Preach'd up Passive Obedience and Non-Resistance under Her Majesty's happy Administration, yet it was objected he stir'd up the People to Rebellion, and meant Non-Resistance and Passive Obedience to the Gentleman on the other side the Water.

He own'd, those things had been urg'd with great Ingenuity, but what Proof, what Evidence was there of any of those Matters so suggested ?

That, By the Law of *England* Men were not to Harangu'd out of their Lives, Liberties or Estates, but as he had observ'd, plain and positive Proof alone could subject them to a Forfeiture : And he submitted to their Lordships, when a Man affirm'd a thing in his Sermon, whether anothers averring that he meant quite the contrary, would be a sufficient Evidence to Convict him of high Crimes and Misdemeanors.

He confess'd there was another Matter which put him under a great Difficulty, to determine which way to apply their Defence to the first Article, which was the different Construction the Gentlemen of the House of Commons had made of that Part of the Doctor's Sermon, on which the first Article was founded. For the Gentlemen that spoke to the first Article (if he apprehended them right) had affirm'd, " That the Doctor asserted an unlimited Obedience, and the utter Ille-

" gality

" galit  
" Pow  
" Rev  
" to th  
first Ar  
Learne  
fourth  
" Do  
" prem  
" galit  
" at lib  
The  
they m  
who spe  
taken t  
ought,  
had den  
Majesty  
made a  
to the f  
there w  
cle fell  
could be  
as the S  
brought  
*James* o  
of those  
in the R  
cluded a  
be very  
sequentl  
to groun  
Those M  
he came  
humbly  
to offer  
several E  
mention  
And a  
the Do  
Means u  
Unjustifi  
ons in h  
to say  
his Ser  
Means u  
as once  
doubted

“ gality of Resistance to the Queen, as the Supreme Executive  
 “ Power, and that such an Assertion was a Reflection upon the  
 “ Revolution, which had been brought about by the Resistance  
 “ to the late King *James*. And all their Arguments on the  
 first Article were grounded on that Assertion. But that a very  
 Learned Gentleman, who had spoke the Day before to the  
 fourth Article, had been pleas’d to Object, “ That tho’ the  
 “ Doctor asserted the utter Illegality of Resistance to the Su-  
 “ preme Power, yet he had no where asserted the utter Ille-  
 “ gality of Resistance to the Queen, thereby leaving himself  
 “ at liberty to resist the Queen and bring in the Pretender.

The Question therefore was, which of those Constructions  
 they must believe; if the Construction made by the Gentlemen  
 who spoke to the first Article were true, then the Doctor had  
 taken that Care of her Majesty’s Person which in Duty he  
 ought, by asserting the utter Illegality of Resisting Her, and  
 had deny’d himself the liberty to take up Arms against Her  
 Majesty to bring in the Pretender, and so the great Objection  
 made against the Doctor by the Learned Gentleman who spoke  
 to the fourth Article must fall; but if his Construction prevail’d  
 there was no Reflection on the Revolution, and the first Arti-  
 cle fell to the Ground; for the Reflecting on the Revolution  
 could be only by asserting the Illegality of Resisting the Queen,  
 as the Supreme Executive Power, because the Resistance which  
 brought about the Revolution had been made to the late King  
*James* only, and not against the Legislature: But whichsoever  
 of those Gentlemen their Lordships should be of Opinion was  
 in the Right, he beg’d leave to say, it might certainly be con-  
 cluded and inferr’d, that the Construction of that Sentence must  
 be very doubtful, in which such Learned Men differ’d, and con-  
 sequently could not be a Charge sufficient and certain enough  
 to ground a Conviction for High Crimes and Misdemeanors.  
 Those Matters being submitted to their Lordships Judgment,  
 he came next to consider the Articles themselves, and should  
 humbly propose to their Lordships Consideration what he had  
 to offer in Answer to them, and should take Notice of the  
 several Branches of the respective Articles, which the Doctor  
 mention’d in his Answer to them.

And as to the first Branch of the first Article, which charg’d  
 the Doctor with *Suggesting and Maintaining, that the necessary*  
*Means us’d to bring about the happy Revolution were Odious and*  
*Unjustifiable*; the Doctor deny’d there were any such Expressi-  
 ons in his Sermon at St. *Paul’s*: And he begg’d leave himself  
 to say that there was not one Paragraph or Sentence in  
 his Sermon that could support that Charge, the Necessary  
 Means us’d to bring about the Revolution not being so much  
 as once mention’d in the Sermon, and therefore he had at first  
 doubted whether he had the right Sermon; because he could

no more find that Sentence in the Doctor's Sermon at St. Paul's, than one of the Learned Managers could find a Text of Scripture, quoted by the Doctor, in his Bible.

And one of the Gentlemen who spoke to that Article had been pleas'd to admit, that the Words charged in that Part of the Article were not in the Doctor's Sermon, but said, there are Words that are *tantamount*; so that that Branch was to be prov'd by Innuendo's, and yet they had not been pleas'd to let them know what those Words were which did amount to the same Signification, and they deny'd there were any such Words.

That the last Part of the first Article (which he should, consider next, as relating to the Revolution) charg'd the Doctor *with Suggesting and Maintaining that to impute Resistance to the Revolution, was to cast Black and Odious Colours upon his Majesty and the Revolution.* In answer to which he must beg leave to take notice, that the Words of the Sermon were there transpos'd and misplac'd, for the Doctor did not say, that *to impute Resistance to the Revolution was to cast Black and Odious Colours upon his Majesty and the Revolution*; but he lay'd, that *to urge the Revolution to justify the Doctrine of Dethroning and Murdering of Princes, was to cast Black and Odious Colours on his Majesty and the Revolution*; for that the Doctor, in Page the 11th said, that "the New Preachers and "New Politicians pretended to have a Power to cancel their "Allegiance at Pleasure, to call their Sovereign to an Account "for High-Treason, to Dethrone and Murder him for a Criminal, as they did the Royal Martyr by a Judiciary Sentence, and that to justify this Doctrine, they urg'd the Revolution of that Day: *But he said, they were the greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour'd to cast such Black and Odious Colours upon both*; so that what he had said amounted to no more than that to justify the calling the Sovereign to an Account for High-Treason, and the Dethroning and Murdering of him, by the Revolution, was to cast Black and Odious Colours upon both. And could any Man say less that had any Respect for the glorious and happy Revolution, or for the Preservation of the Constitution; or could there be a greater Reflection on the Revolution, than to urge it in Vindication of the Rebellion in 41, as if the Cases were alike?

He humbly submitted it to their Lordships, if there were any thing in the Sermon that could be constru'd to reflect on the Revolution, if the Words were taken according to the Natural and Genuine Sense of them; neither could it be thought the Doctor would cast the least Reflection upon it: for how should it be imagin'd, that he who was a Member of Magdalen College in Oxford, should so soon forget the Attempts

that

that had  
the Rev  
both the  
jeels, the  
he being  
volution  
had bee  
That he  
the Conf  
which al  
and feat  
on which  
him, tha  
the Churc  
but that  
Principle  
which ha  
of the be  
doms; th  
to the B  
upon the  
dering w  
or too C  
therefore  
late happ  
Opinion  
he disting  
Differenc

As to  
late Maje  
of Resist  
humbly s  
Declarati  
carry with  
us from th  
is intende  
Parliamen  
liament,  
Violence  
rious De  
the Gove  
Vacancy,

That in  
were amb  
ought in  
Sense. B  
what he  
other Sen



that had been made on their Liberties, and should reflect on the Revolution, by which not only that, but all the Colleges in both the Universities, nay, all Her Majesty's Protestant Subjects, then enjoy'd their Religion, Rights and Liberties? That he being a Church of *England* Man should calumniate the Revolution, by which the best Establish'd Church in the World had been preserv'd from Popish Superstition and Idolatry? That he who contended so earnestly for the Preservation of the Constitution, should cast Black and Odious Colours on that, which alone had settled the Succession in the Protestant Line, and seated Her Majesty on the Throne of her Royal Ancestors, on which the Doctor Pray'd, and he hop'd they all join'd with him, *that she might long continue for the Support and Comfort of the Church and Nation?* That it was not the Revolution in 1688. but that in 1648. which he endeavour'd to blacken, and the Principles which had brought it to pass, those Principles which had made Rebellious Subjects take up Arms against one of the best Princes that ever Sway'd the Scepters of these Kingdoms; those Principles which had brought that Pious Martyr to the Block, Banish'd the Royal Family, and set an Usurper upon the Throne; that was the Dethroning, that the Murdering which he meant: And what Colours could be too Black, or too Odious for such Crimes? Doubtless none could; and therefore, instead of charging the Doctor with reflecting on the late happy Revolution, he hop'd their Lordships would be of Opinion that he had vindicated it in the highest Degree, when he distinguish'd it from that in 1648, and shew'd what a wide Difference there was between them.

As to that Part of the first Article which said, *That his late Majesty, in his Declaration, disclaim'd the least Imputation of Resistance*; If the Doctor had not Explain'd himself, it was humbly submitted how far he was justified by his Majesty's Declaration; *We have thought fit to go over to England, and to carry with us a Force sufficient, by the Blessing of God, to defend us from the Violence of evil Counsellors; and that this Expedition is intended for no other Design but to have a free and lawful Parliament*: So that the Expedition was to have a Free Parliament, and the Forces were to defend him from the Violence of Evil Counsellors, in carrying on that glorious Design; and when the late King *James* Abdicated the Government, what Resistance had it been to supply the Vacancy, by settling his late Majesty on the Throne?

That in Construction of Words and Sentences, if any part were ambiguous, and might be taken in a double Sense, it ought in favour of Life and Liberty to be taken in the best Sense. But when the Author declar'd what his Sense was, what he meant by it, there it could not be taken in any other Sense than that: which was the Doctor's Case; for he shew'd,

shew'd, both in his Sermon, and by a Note printed at the Bottom of the Page, that by Resistance he meant such Resistance as tended to a Conquest: And was justify'd in that by his Majesty's Declaration, wherein he had disown'd the wicked Attempt of Conquest. And by the Vote of both Houses of Parliament, who had so highly resented the Design of making that Expedition a Conquest, that they had order'd a Pamphlet which attempted to prove it such, to be Burnt by the Common Hangman.

If therefore the general Words would have carry'd such a Reflection, yet the Clause explaining, them being Printed with them, prevented such a Construction; their being no Reason to apprehend any danger from the Poyson, when the Antidote was administred at the same time. Mr. *Phipps* thought he had thus answer'd every Branch of that Article, and shewn, there were no Expressions in the Sermon, that could Warrant or Support any Part of it: But as he observ'd from the Gentlemen who were the Managers, and spoke to that Article, the great Foundation and Stress upon which it depended, was in the Sentence *Pag. 11* of the Doctor's Sermon, where he said, *The Grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power in all things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever.* But he believ'd the Charge in that Article could never be supported by any Words in that Sentence; for it was Evident, that the absolute and unconditional Obedience, he said Subjects were oblig'd to, was to the Supreme Power in all things lawful; and the utter Illegality of Resistance upon any Pretence whatsoever, (being in the same Sentence) could not but be intended to be of the Supreme Power in all things lawful; so that it was no more than if he had said, 'Tis utterly Illegal, upon any Account whatsoever, to resist the Supreme Power in things lawful; and no Aphorism could be truer than this, viz. *That where the Thing commanded by the Supreme Power is lawful, the Resistance given to it must be unlawful?* Which was all the Doctor had asserted in that Paragraph.

But if he might have leave to Cite a Foreign Author, *Puffendorf* said, the Supreme Power was that in which the Legislature was vested; for he said, *Human Laws are the Decrees of the Supreme Power, concerning Matters to be observ'd by the Subjects for the good of the State:* And one of the Learned Managers, who had spoke to that Article, had admitted it to be so; and then the Doctor's Assertion was, that the Security of the Government, and the very Pillar on which it stood, was founded on the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Laws made by the Queen,  
and

Lords and  
legality  
and when  
any Exc  
which w  
the first  
course on  
lute unco  
Resistance  
gality of  
lawful.

And S  
Power th  
which wa  
to have  
position g

For it  
position g  
mitting t  
Liberties,  
endeavour  
Power; I  
fiction, wh  
Power in a  
James had  
Oppositio  
the Oppos  
Doctor, no

Howeve  
urging the  
had been a  
pendance c  
ral Asserti  
Sermon, y  
and if such  
to a comm  
it was sub  
ranted in a  
oning the p  
Exceptions  
mention'd  
ons were u  
ply'd: And  
in that Ca  
the Concur  
stablish'd a  
Besides t  
men of the

Lords and Commons in Parliament assembled, and the utter Illegality of Resisting such Laws on any Pretence whatsoever; and whether that were not so universal a Truth, as not to admit any Exception, was humbly submitted to their Lordships; which was an Answer to all that had been said against them on the first Article: All the Gentlemen having founded their Discourse on a Supposition, that the Doctor had Preach'd up an absolute unconditional Obedience to, and the utter Illegality of Resistance of the Queen; whereas he had Preach'd up the Illegality of Resisting the Supreme Power, and that in all things lawful.

And Supposing it could be Collected, that by the Supreme Power the Doctor had meant the Supreme Executive Power, which was the Queen; yet he could not be thought by that to have Reflected on the Revolution, or Condemn'd the Opposition given to King *James*.

For it could not be imagin'd, that he Condemn'd the Opposition given to that Prince in the Dispensing Power, in committing the Bishops, depriving Men of their Freeholds and Liberties, by Ecclesiastical and other unlawful Commissions, and endeavouring to Establish Popery, by introducing a Foreign Power; It could not be said the Doctor Condemn'd that Opposition, when he urg'd the Illegality of Resisting the Supreme Power in all things lawful to it, for if those Proceedings of King *James* had been lawful, then the Doctor had Condemn'd the Opposition given to 'em; but those Proceedings being Illegal, the Opposition given to them was no where condemn'd by the Doctor, nor had that Paragraph in his Sermon any Relation to it.

However, to carry that yet further, he would suppose the urging the Illegality of Resistance on any Pretence whatsoever, had been a Substantive Clause, without any Relation to, or Dependence on any other Clause or Sentence; or that such a general Assertion could be collected from any Part of the Doctor's Sermon, yet it could be taken only for a general Proposition; and if such general Propositions were true in the general, and to a common Intent, tho' subject to particular Exceptions, yet it was submitted whether the Doctor had not been well warranted in asserting such a general Proposition, without mentioning the particular Exception? Because all general Rules had Exceptions, and yet the Person that cited them, seldom or never mention'd the Exceptions; for whenever such general Propositions were urg'd, the Exceptions were always understood and imply'd: And, there could be less Reason to mention the Exception in that Case, because it was so universally known: As having the Concurrence of the whole Nation, and being so often establish'd and approv'd by the Legislature.

Besides that, the Doctor entirely Concurr'd with the Gentlemen of the House of Commons, that the Revolution was an



Exception; and was not Opposite to one of the Learned Managers, who had been pleas'd to admit it as the only Exception from that general Rule; wherefore he submitted it to their Lordships, whether the naming that Exception, would not have been a greater Reflection on the Revolution, than the Preaching that Doctrine in general Terms without naming it; for to name it after the Revolution, would be to suppose, that it had not been imply'd and understood as an Exception, out of that general Proposition, before the Revolution, and then the Exception must have been warranted by the Revolution, which was to infer, that no Resistance had been lawful till the Revolution; whereas they said, That such an extraordinary Case, as that of the Revolution, had been always imply'd as an Exception out of that general Doctrine, and so the Doctrine justify'd the Revolution.

And therefore, the Doctor having urg'd that Doctrine of Non-Resistance in such general Terms, as all other general Propositions were usually urg'd, it was humbly submitted, whether he could for that be esteem'd guilty of High Crimes and Misdemeanors; especially, since that very Doctrine had been affirm'd in such general Terms by Learned Men in all Ages, by the Church, and by the Legislature, of which he beg'd leave to give some few Instances.

And first, That when the Duke of Monmouth was to be Executed, his present Grace the Arch-Bishop of Canterbury, the present Lord Bishop of Bath and Wells, and the then Bishops of Ely and Bath and Wells, being appointed by the King to attend his Grace; they had press'd him to a particular Confession of his Crime, and to acknowledge himself guilty of Rebellion; who Answer'd, *He dy'd a Protestant of the Church of England*; to which, They reply'd, *My Lord, if you be of the Church of England, you must acknowledge the Doctrine of Non-Resistance to be true.*

That Arch-Bishop Tillotson, in his Letter to the Lord Russell the 20th of July 1688, offer'd these Considerations concerning the Point of Resistance. (1.) " That the Christian Religion " did plainly forbid the Resisting of Authority. (2.) That in " the same Law which Establish'd the Protestant Religion, it " was declar'd, not to be lawful on any Pretence whatsoever " to take up Arms against the King.

That Bishop Sanderson in his Works, Pag. 522. said, *No Conjecture of Circumstances whatsoever can make that Expedient to be done at any time, which is of it self, and in the kind, unlawful. For a Man to take up Arms (Offensive, or Defensive) against a lawful Sovereign, being a thing in its Nature, simply, and de toto genere, unlawful, may not be done by any Man, at any Time, in any Cases, upon any Colour or Pretence whatsoever.*

Whence

When  
Great a  
Sachever  
there w  
Univers  
all Ages  
ful, upo  
no Cens  
found w  
Gentlem  
pleas'd t  
Preroga  
and to A  
the Righ  
People  
not be p  
the Purp  
Gentlem  
ginal Co  
why had  
jects ther  
much, a  
Spring of  
tion'd in i  
Books, in  
in any Co  
before the  
any Indict  
take off t  
silent in it  
were no M  
with: An  
the Origin  
Supreme  
of that Ori  
Allegiance  
stance in  
25th of Ea  
Case of the  
But that  
of Passive  
son, in his I  
Resistance is  
add, it had  
had been t  
ctrine that  
King Saul,  
Holy Man

Whence their Lordships might observe, how much higher those Great and Learned Men had carry'd that Doctrine, than Doctor *Sacheverell* had done in his Sermons; and multitudes of Instances there were, which shew'd, that it had been the Concurrent and Universal Opinion of all the Learned Men of the Church in all Ages, that Resistance of the Sovereign Power was not lawful, upon any Pretence whatsoever. And yet no Punishment, no Censures had been inflicted upon, nay, no Fault had been found with any of them to that Day. That one of the Learned Gentlemen, to enforce the Legality of Resistance, had been pleas'd to urge the Original Contract as the Foundation of the Prerogative of the Crown, and the Liberties of the People; and to Assert, That if the Supreme Executive Power invaded the Rights of the People, the Contract was dissolv'd, and the People discharg'd from their Allegiance. Mr. *Phipps* would not be positive as to the very Words, but that he took to be the Purport of them, and observ'd, That the said Learned Gentleman, had not thought fit to inform them when the Original Contract was made, Whether before *Magna Charta*? If so, why had it not been compriz'd in it? All the Liberties the Subjects then laid Claim to, being included in that Act; and 'twas much, a thing of that Moment, and which was the Source and Spring of all their Liberties, should not be so much as mention'd in it. He said he had never met with it in any of our Law Books, in his little Experience — he had never heard it urg'd in any Court before; and desir'd to be inform'd, whether it was before the Statute 25 *Edw.* 3. for he never knew it pleaded to any Indictment for High Treason, nor object'd, to enervate or take off the Force of that Statute; and our Law-Books being silent in it, he thought it was too tender a Point for them who were no Members of any Part of the Legislature, to meddle with: And therefore, 'till the Legislature had declar'd what the Original Contract was, and determin'd what Act of the Supreme Executive Power should amount to a Dissolution of that Original Contract, and discharge the Subjects from their Allegiance, he must beg Pardon, if he thought that as to Resistance in General, the Law stood still upon the Foot of the 25th of *Edward* the 3d, and that all Resistance, except in the Case of the Revolution, was still Treason within that Act.

But that to Instance farther in Vindication of the Doctrine of Passive Obedience and Non-Resistance, Archbishop *Tillotson*, in his Letter to the Lord *Russel* said, *The Doctrine of Non-Resistance is the Doctrine of all Protestant Churches*; and he might add, it had been the Doctrine of Christ and his Apostles: It had been the Doctrine in *David's* Time; for it was the Doctrine that had restrain'd *David* from offering Violence to King *Saul*, tho' that King sought to take away his Life; that Holy Man being of Opinion that he could not lift up his

Hand against the Lord's Anointed, and be Guiltless; and could it be done since with greater Innocence than it could then? Was the Person of the Lord's Anointed become less Sacred than it was then? Or had the People since a greater Liberty to resist than *David* had then? And one of the Learned Gentlemen had said, that in Respect of the Patriarchal Right, it was a Doctrine as old as *Adam*, and he would not pretend to carry it further.

But the next thing therefore to be consider'd was, whether that Doctrine which was of so great Antiquity, had receiv'd any Alteration, whether it had been Preach'd or Urg'd in any other Terms since the Revolution than it had been before. That Bishop *Beveridge*, in a Book, call'd, *Private Thoughts upon Religion*, pag. 247, 249, 250, said, *Upon any seeming real Default or Defect of our Sovereign, we are to be more Earnest in our Prayers and Intercession, for him, but upon no Account to fight or rebel against him.* That the said Book had Her Majesty's Royal Licence, and was countersign'd by a Noble Lord, eminent for Learning, and Her Majesty's Principal Secretary of State, he meant the Right Honourable the Earl of *Sunderland*. He begg'd leave to cite next a learned Gentleman, whose Affection to the Government, and Understanding in Antiquity, no Body could doubt, 'twas Doctor *Kennet*, who in his Sermon Preach'd before the House of Commons the 30th of *January*, 1705, said, *This is the true Foundation of that common Axiom, The King can do no Wrong, because there is no Right nor Remedy against his Royal Person; and in the same Sermon he said, It was declarative of our Original Constitution (which might be thought to be the Original Contract, unless the Original Contract and the Original Constitution differ'd) that our Legislature, upon Occasion of this Day, would have it Express'd, that by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor Both together, in Parliament, or out of Parliament, nor the People, collectively, or representatively, nor any other Persons whatsoever, ever had, have, or ought to have any Coercive Power, over the Persons of the Kings of this Realm: And he thought it was Evident, that where there could be no Coercive Power, there could not be any Resistance. Yet that had been but in the Year 1705, and he would know whether the Original Contract had been found out since? If not, then it was plain, the Commons did not think that Doctrine to Derogate from that Contract, or to Reflect upon the Revolution, for that Doctor *Kennet* had receiv'd the Thanks of the Commons for his Sermon, and their Order to Print it.*

He said, he most readily concurr'd with the Learned Gentlemen of the House of Commons, that that Reverend Bench was fill'd with Fathers of the Church, who were as great an Ornament

Ornament  
deceffor  
and ther  
the Rev  
Lordship  
upon wh  
That  
January.  
It is pla  
where an  
Governm  
Assaults.  
That  
their Lor  
Wherever  
soever it  
five Obed  
it Inflicts.  
Christian  
Christians  
cited the  
Second,  
Lordships  
him to P  
That  
Preach'd  
clearly st  
the least  
self thus,  
the Suprem  
up their  
from the  
say there i  
Governmen  
Commonwe  
jects must  
wise the G  
at the Merc  
to all the  
is this only  
and that a  
pears from  
which are  
this Text st  
Passive Obe  
He put  
confirm'd  
Read on ce



Ornament to it for Learning and Piety as any of their Predecessors, and most justly fam'd for their Religious Moderation; and therefore Instances of their Asserting that Doctrine since the Revolution, would have the greatest weight with their Lordships, and give most Satisfaction of that Honourable House upon whose Impeachment the Doctor was brought thither.

That the Bishop of *Asaph*, in his Sermon on the 30th of January, 1699, Preach'd before the Lord Mayor, pag. 18. said, *It is plain that a Government can't possibly subsist for any time, where any kind of Violence is allowed against the Magistrate: Government is at an End, where Rulers are expos'd to popular Assaults.*

That the Bishop of *Lincoln*, in his Sermon Preach'd before their Lordships the 30th. of Jan. 1708, pag. 15, 16, 17, said, *Wherever that Supreme Power and Authority is Lodg'd, or in whomsoever it Resides, we are bound to pay either an Active or Passive Obedience, must either Do what it Requires, or Suffer what it Inflicts. This is without Controversie the standing Doctrine of Christianity, and has been confirm'd by the Practice of the best Christians in all Ages of the Church.* And that Bishop also had cited the Words of the Statute of the 12th of *Charles* the Second, mention'd by *Dr. Kennet*; for which Sermon their Lordships had been pleas'd to Thank the Bishop, and to desire him to Print it.

That his Grace the Lord Archbishop of *York*, in his Sermon Preach'd before their Lordships in 1700, had so fully and clearly stated the same Doctrine, that it was not capable of the least Contradiction or Doubt: His Grace expressing himself thus, *That there is such a Submission due from all Subjects to the Supreme Authority of the Place where they Live, as shall Tie up their Hands from Opposing or Resisting it by Force, is Evident from the very Nature and Ends of Political Society; and I dare say there is not that Country upon Earth, let the Form of their Government be what it will, (Absolute Monarchy, Aristocracy or Commonwealth) where this is not a Part of the Constitution. Subjects must obey Passively, where they cannot obey Actively, otherwise the Government would be Precarious, and the publick Peace at the Mercy of every Male-content, and a Door would be set open to all the Insurrections, Rebellions and Treasons in the World. Nor is this only a State Doctrine, but the Doctrine also of Jesus Christ, and that a Necessary and Indispensable one too, as sufficiently appears from these famous Words of St. Paul's, Rom. 12. 1 2. which are so plain that they need no Comment; so that so long as this Text stands in our Bibles, the Doctrine of Non-Resistance or Passive Obedience must be of Obligation to all Christians.*

He put the Question, whether the same Doctrine were not confirm'd by the Church in her Homilies, and enjoin'd to be Read on certain Days in the Church? Whether those Homi-

lies were not allow'd by the Articles? Whether those Articles were not Establish'd by the 13th of *Eliz.* Chap. 14. And whether that very Act were not confirm'd and made Perpetual by the Act of Union made in the Fifth Year of Her Majesty? Whether it were not likewise Ratify'd and Establish'd by the Legislature, by the Act of the 12th of *Charles* the Second, cited in the Sermons of the Bishop of *Lincoln* and Doctor *Kenner*, by the Act of the 13th of *Charles* the Second? For that Act of the 13th of *Charles* the Second, Chap. 4. oblig'd all Ministers, &c. to subscribe a Declaration, the first Part whereof was this, *I. A. B. do declare that it is not Lawful upon any Pretence whatsoever to take up Arms against the King.* Whether that Declaration had not been to be Swore to by all Officers of Corporations, by the Corporation Act: By all Lieutenants, Deputy-Lieutenants, and all Officers and Soldiers of the Militia, by the Militia Act? And whether any Man could doubt the Truth of that Doctrine, which the Legislature had oblig'd the greatest Part of the Nation so Solemnly to Subscribe and Swear to. He said they had Collected many more Instances of that kind, which they would offer to their Lordships in the Course of their Evidence.

And so their Lordships might observe how that Doctrine had been Preach'd and Maintain'd by Archbishops, Bishops, and Eminent Divines, Confirm'd and Establish'd by the Church, and by the Legislature; and he desir'd to know whether that Doctrine had been alter'd, or had receiv'd any Diminution or Restriction by the Revolution? Which he would not presume to say, but put himself upon their Lordships Judgment, on the Consideration of the several Sermons before-mention'd, Preach'd and Publish'd with the Respective Approbation of both Houses of Parliament since the Revolution. He desir'd their Lordships to reflect how many Revolutions there had been in this Kingdom, and yet that Doctrine always continu'd the same; and submitted, whether they had not their Lordships Authority on that very Point; for in a Sermon Preach'd before their Lordships on the 30th of *January*, 1702. by the Lord Bishop of *Carlisle*, his Lordship had express'd himself thus: *Our Foundations, 'tis to be hop'd, are not shaken by the weight of those many Great and Extraordinary Revolutions that have pass'd upon us; the All-wise Providence of God has frequently of late (and as some of us always thought, very Graciously) Exchang'd our Governors; but if we ungratefully alter our Notions of the Divine Right of Government, and throw off our Antient and Primitive Rules of Obedience, we shall make an unworthy Return for the Mercies we have received.* He hop'd he might have their Lordships leave to conclude their Lordships were of the same Opinion, since the Lord Bishop had their Lordships Thanks for his Sermon, and their Desire to Print it. He further presum'd to offer it to their

Lordships

Lordsh  
been E  
by the  
in the  
And I d  
Majesty  
all Trai  
Her Per  
deny'd  
jesty w  
the Thi  
Persons  
rous Co  
Opinion  
upon an  
soever R  
He fu  
by the L  
nounc'd  
of it.  
by the S  
Treason  
and Qua  
future S  
shall rece  
contest  
attended  
since tha  
prov'd, t  
tlect on t  
Majesty's  
in the Re  
strument  
of his Ma  
the Revo  
tender a  
else coul  
Preach'd  
Preach'd  
probation  
if all tha  
would at  
For how  
which ha  
other Em  
the Appro  
which wa  
Establish'd

Lordships Consideration, whether that very Doctrine had not been Establish'd and Enjoin'd, under the Obligation of an Oath, by the Legislature in the Reigns of King *William* and Queen *Anne* in the Abjuration Oath, which Oath contain'd this Clause, viz. *And I do Swear that I will bear Faith and True Allegiance to Her Majesty, and Her will Defend to the utmost of my Power against all Traiterous Conspiracies whatsoever, which shall be made against Her Person, Crown and Dignity.* He believ'd it would not be deny'd by any Lawyer, that taking up Arms against Her Majesty was High Treason, by the Statute of the 25th of *Edward* the Third, and therefore the Parliament having enjoin'd all Persons in Office, &c. to defend Her Majesty against all Traiterous Conspiracies and Attempts, had shew'd that it was their Opinion, that the Taking up Arms and Resisting Her Majesty, upon any Pretence whatsoever, was Unlawful, because where-soever Resistance was Lawful, the Defence must be Unlawful.

He further beg'd leave to add, that the Punishment inflicted by the Law in this World for Resistance, and the Judgment denounc'd against it in the Next, sufficiently Evinc'd the Illegality of it. That taking up Arms and Resisting against the Queen, by the Statute of the 25th of *Edward* the Third, was High Treason, the Punishment of which was to be Drawn, Hang'd and Quarter'd; and in what Condition they were to be in, in a future State, *St. Paul* inform'd them, for he said, *They that Resist shall receive to themselves Damnation*; and surely no Body would contest the Truth of that Doctrine, the Breach of which was attended with such dismal Consequences. He hop'd therefore, since that Doctrine had been so Universally Preach'd and Approv'd, the Preaching of it then should not be thought to Reflect on the Revolution, more than it had done before, since Her Majesty's Happy Accession to the Throne, and more than it did in the Reign of *King William*, who had been the Glorious Instrument of that happy Revolution. That no Body could doubt of his Majesty's being appriz'd of the Necessary Means by which the Revolution had been brought about, or of his having as tender a Regard for the Honour of the Revolution, as any Body else could be suppos'd to have, and yet that Doctrine had been Preach'd in his Time, in as General Terms as the Doctor had Preach'd it, and not only without Objection, but with the Approbation of his Majesty and both Houses of Parliament: And if all that would not Vindicate the Doctrine, yet he hop'd it would at least excuse the Doctor from being a Criminal.

For how could he be a Criminal, for Preaching that Doctrine which had been asserted by so many Archbishops, Bishops, and other Eminent Divines, not only with Impunity, but even with the Approbation both of Houses of Parliament? That Doctrine which was enjoin'd by the Church, Ratify'd, Confirm'd and Establish'd by the Legislature, and which was the Doctrine of



all the Protestant Churches in the World, of our Saviour himself, had been the Doctrine ever since *Adam*, and would continue so as long as there was a Bible upon Earth ?

How could a Man be a Criminal, for Preaching the Doctrine of Passive Obedience and Non-Resistance, tho' without Restriction and Limitation, while the Nation was so Happy to have Her Majesty to Reign over it upon whose Life the Welfare and Happiness of the Kingdom depended, as much (he hop'd he might be excus'd if he said more) than the Welfare of any Nation ever did upon the Life of any Prince whatsoever since the Foundation of the World ? And therefore they were sure their Lordships, would not lessen Her Security ; and the rather, because it was impossible, during Her Majesty's Life, any Invasion or the least Attempt should be made upon that Religion, that Liberty and Property, for the Preservation of which She had run so great a Hazard.

This he said, was what he humbly offer'd to their Lordships, on behalf of his Client, on that Head : And tho' he had mention'd those Instances, to shew in what general Sense the Doctrine of Passive Obedience had been Preach'd, and that if the Doctor had Asserted it in such General Terms, he could be no more a Criminal than others ; yet it ought to be always understood, that he had not Asserted it in such General Terms, but only Asserted the utter Illegality of Resistance to the Supreme Power in all Things lawful.

But before he quitted that Article, he would take Notice it had been Objected, that it was highly Improper and Unseasonable for Divines in their Pulpits to meddle with Matters of that Nature ; in Answer to which, he would (besides the Injunction laid by the Apostles on their Successors, to put People in Mind of being Subject to Principalities and Powers) humbly offer to their Lordships Consideration, a Bold and Seditious Paragraph in a Pamphlet Printed in 1705, call'd, *The Review*, which had these Words, *If the Next Parliament should pursue the Steps of the last, the Nation, in my Opinion, will be so much nearer that Crisis of Time, when English Liberty being brought to the last Extremity, must open the Magazine of Original Power ; and the same Author, speaking of the Family of the Stuarts, call'd it the Line of all the World fam'd for Blood, and that had Ravag'd the best Families of the Kingdom.* And in another Paragraph he said, *In short, if Jure Divino comes upon the Stage, the Queen has no more Title to the Crown than my Lord Mayor's Horse ; and all the People are bound by the Laws of God to depose Her as an Usurper, and Restore their Rightful and Lawful King James the Third.* If therefore defaming her Majesty's whole Line, Asserting that the Pretender had an Hereditary Right to the Crown ; telling the People, in Case they did not like the Parliament, they must have Recourse to the Magazine of Original Power, were not

sounding

sounding  
ctrine Se  
they sub  
instead o  
their Lo  
Successor  
would co  
as it had  
Progenit  
And a  
cluded  
Doctrine  
If the  
Preach'd  
Deity, o  
which ha  
Necessar  
submitted  
Matter,  
Consider  
be of Op  
and Mife

Mr. D  
Purpose.

He tol  
and so we  
of the D  
Establish'  
founded  
very un  
ing the s  
only to n  
then to ad  
one Law

That t  
the House  
Fundamen  
cient Leg  
readily c  
ships wou

That so  
where th  
Gentleme  
ctrine fit  
but not of  
understand

found a Trumpet to Rebellion, and did not make that Doctrine Seasonable and Necessary to be Preach'd at that Time, they submitted it to their Lordships; and therefore he hop'd that instead of laying a Brand of indelible Infamy on that Doctrine, their Lordships, for the Preservation of Her Majesty, and Her Successors, and for the securing the Peace of the Kingdom, would convey it as intire, and in as full Force down to Posterity, as it had been Transmitted to their Lordships, by their Noble Progenitors.

And as to what one of the Honourable Gentlemen had concluded with, *viz.* That their Lordships would direct what Doctrine the Ministers should Preach.

If there were any Doctrine in the Bible not proper to be Preach'd; if there were any Doctrine, except that of the Deity, of greater Antiquity than that of Non-Resistance which had Commenc'd from *Adam*, or was more Useful or Necessary for the Preservation of the Government, then they submitted that Doctrine should be let alone. Upon the whole Matter, he said he was in their Lordship Judgment, if upon Consideration of what had been said, their Lordships could be of Opinion, that the Doctor was Guilty of the High Crimes and Misdemeanors contain'd in the first Article.

*Mr. Dee Succeeded in taking up the Doctor's Defence to this Purpose.*

He told their Lordships, That after so much had been said, and so well press'd by the Gentlemen, that went before him, of the Doctrine of Non-Resistance (which had been so well Establish'd by the Opinion of the Fathers of the Church, and founded on the Laws of the Land) he should think himself very unmannerly to spend their Lordships Time, in repeating the same in worse Words; and therefore he begg'd leave only to make a few Remarks; first on some Generals, and then to add a few Words, and draw an Inference or two from one Law that had not yet been taken Notice of.

That they readily join'd with the Gentlemen Managers for the House of Commons, in desiring their Lordships to assert Fundamentals, and desir'd their Lordships to consider the Ancient Legal Constitution of the Kingdom. Wherein they readily comply'd with them, and doubted not but their Lordships would do it.

That some Notice had been taken of the Time and Place where that Sermon had been Preach'd; and one of those Gentlemen said, the Time was improper because it was a Doctrine fit only to be preach'd in the Reign of a bad Prince, but not of a good one. *Mr. Dee* declar'd he was at a loss to understand that: And thought if at any Time, it was seasonable

able when they had so gracious a Princess upon the Throne much rather than in the Reign of a Tyrant or Usurper.

That the said Doctrine had been made appear to their Lordships to be consonant to the Laws of God, and the Laws of the Land; and when they had laid before their Lordships their Proofs that had been open'd, he hop'd their Lordships would allow they had prov'd their Case.

It was true the Gentlemen of the other Side said they had prov'd their Articles; but how? In no other way than by reading the Sermon, which they hop'd should be permitted to speak for it self.

It had been said, that the Municipal Laws of the Land signify'd nothing, only in Times of Peace. But what the Meaning of that was he knew not, unless that the Laws were to be silent in the time of War, but the way to maintain Peace and to prevent Blood and Wars at Home was to preserve our Laws.

It had been likewise urg'd as a Maxim, *That there could be no Right, but there must be a Remedy to preserve it*: Whereupon it had been hinted, as if there were some secret Right vested in the People to do something they did not think fit to name. Which Saying, he took to be a Maxim in the Law, and to relate only to Legal Matters, and the Meaning of it to be, That when any Man had a Property, the same Law which gave that Property gave him a Remedy, if the same were invaded. But he never understood that Maxim to be meant of a Remedy by Force, and was sure in most Cases such a Remedy was worse than the Disease.

He was sure no Gentleman of their Side would be thought in the least to reflect on the Revolution mention'd in the Impeachment; nor did any thing, as they thought that the Doctor had said in his Sermon, in the least look that Way. For the general Position of the utter Illegality of Resisting the Supreme Power, (as had been observed already) imply'd in it a Condition, (which perhaps might extend to some other Cases) and as said they extended to that of the Revolution.

And whereas one of the Managers had instanc'd the fourth Commandment, forbidding in general any Work to be done on the Lord's Day, and that yet, Works of Necessity and Mercy were allow'd to be done on that Day, and were an imply'd Exception. They said the like of the imply'd Exception to the general Doctrine laid down by the Doctor of the Illegality of Resistance.

And certainly there could be no Room to suppose any Reflection to be made on his late Majesty; for surely his Majesty had wanted no Excuse for his coming into England, nor could he be guilty of any thing that they properly call'd Resistance; as being a Sovereign Prince, who might do what he thought fit; because owing no Allegiance to any one, he could not be said to resist, in the Sense Resistance bore in the Do-

ctor's

ctor's Se  
Supreme

He be  
King W

general

That not

any one

Majesties

son shoul

follow'd

to make

of the I

contriv'd

after the

and stood

shaken t

sistance v

ly, It ap

statute,

Doctrine

blish'd.

made th

they had

sons taki

And a

for the

Notion o

beyond

and he

ctor had

for the

and yet

of Her

that she

it had b

for the

gle Rig

had a tw

tlement,

But in

he woul

the Lear

many In

in the D

ships com

was com



ctor's Sermon, which was the Resistance by Subjects to the Supreme Power,

He beg'd Leave to mention the Act of the second Year of King *William* and Queen *Mary* intituled. *An Act for a general Pardon*, by the last Clause whereof it was provided, *That nothing in that Act should extend to Pardon or Discharge any one for counselling or procuring the raising War against their Majesties, after the 13th Day of February 1688, unless such Person should before the 26th of July take the following Oath.* Then follow'd the Oath of Allegiance. From whence he begg'd leave to make an Inference or two : First, That it had been the Sense of the Legislature at that time, that those Persons who had contriv'd or abetted the raising War against their Majesties after they came to the Crown, were guilty of a High Crime, and stood in need of a Pardon. So that if any thing had shaken the Doctrine of the Illegality of Resistance, there Resistance was made as Criminal as it had been before. Secondly, It appear'd by that Clause to be the Opinion of the Legislature, that by the Oath of Allegiance, as then fram'd the Doctrine of the utter Illegality of Resistance was firmly establish'd. For, to what purpose should that Oath have been made the Condition of a Pardon for having resisted, unless they had thought that Oath laid an Obligation on the Persons taking it not to do so again ?

And as for the Construction which some of the Managers for the Commons had put on the Doctor's Sermon, that the Notion of Non-Resistance could only be apply'd to some Body beyond Sea, they thought it to be very hard and strained : and he was sure it did not appear from any thing the Doctor had said in his Sermon, but the contrary plainly appear'd ; for the Doctor did assert Her Majesty's Hereditary Right, and yet did not reflect on the Revolution ; for tho' he spoke of Her Majesty's Hereditary Right, he did not any where say that she had no other than an Hereditary Right in Her. And it had been own'd by one of the Gentlemen that managed for the House of Commons that his late Majesty had a single Right by the Act of Settlement, but that Her Majesty had a two-fold Right, a Right according to the Act of Settlement, and an Hereditary Right too.

But in regard, there had been a great deal of time spent, he would only make one Remark further, which was, that the Learned Managers for the House of Commons had drawn many Inferences, by their Skill and Ingenuity, from Passages in the Doctor's Sermon, which he believ'd none of their Lordships could think the Doctor had ever thought of, when he was composing his Sermon or delivering it in the Pulpit.

Mr.

Mr. Dee having concluded, Doctor HENCHMAN apply'd himself to the Lords, Saying,

That he was likewise assign'd Council for Dr SACHEVERELL; but if the Doctor had been represented by the learned Managers in his proper Colours, if he had been set before their Lordships in a true Light, and with his Mask off, he could not but beg leave to say, that nothing less than the Commands of that Honourable House could have prevail'd with any one to appear in his Defence. If the Doctor had been a Mover of Sedition, and an Underminer of the Protestant Succession and present Establishment; if he had fomented destructive Divisions, and excited his Fellow-Subjects to Arms and Violence, and taken all Advantages to vent his seditious Notions in the most publick manner, he could not but think that no Body would dare to open his Mouth in his Behalf in the Face of the Government, and before the united Legislature of the whole Kingdom. He protested for himself he would not do it, and believ'd he might say the same for all the Gentlemen that had spoke before him.

That the general Part of those Articles had been already largely spoken to, and he should therefore apply himself directly to the First Article, and the first Branch of that Article, which had been made the Ground of that whole Accusation *viz.* That the Doctor had suggested and maintain'd that the necessary Means us'd to bring about the late happy Revolution were *Odious and Unjustifiable*. He could not but own that to be a Charge of a very high Nature, and aggravated to the utmost by the great Pains the Gentlemen of the Honourable House of Commons had taken and the Elaborate Speeches that had been made on that Head.

That the Justice of the Revolution was too plain to need any Vindication, every one of them being sensible of the happy Effects of it; and therefore for any one to cast black and odious Colours on it, would have been, as the Honourable Managers said a *Reflection on his late Majesty, and must bring a foul Imputation on Her present Majesty and Government*; which, if the Revolution were Unjustifiable, could be no other than an Usurpation, and all Her Subjects Rebels.

That the Clause made use of to prove that Part of the Article, was in the 11th Page of the Sermon at St. Paul's, and had been often read; *The grand Security of our Government, and the very Pillar on which it stands, is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power in all things Lawful, and the utter Illegality of Resistance upon any Pretence whatsoever*. Which was the Ground of the Commons Impeachment because there they said the Doctor condemn'd all Resistance, and in it the Resistance which had been necessary at the Revolution.

Whether

Whether  
Doctrines  
vince to  
time in  
sufficient  
cated, fr  
Doctrines  
from the  
from the  
the Reas  
any Exce  
cessary?  
true Son  
the Law  
because  
was ther  
at all; an  
from the  
take a di  
leave to  
Manager  
Ex ore su  
speak for  
sage migh  
had been  
satisfie th  
ception,  
dor Sach  
and the b  
Foundatio  
know wh  
subject hi  
Censure o  
from that  
of any P  
The C  
denominate  
ment, or So  
Governmen  
upon which  
any one un  
that may  
Which  
that Gentl  
be said mo  
Man of T  
his own R  
own Found

Whether what was there laid down were agreeable to the Doctrine of the Church of *England* he said was not his Province to determine, neither would he mispend their Lordships time in establishing that Doctrine; which had been already sufficiently done, and the Doctor himself abundantly vindicated, from the Doctrine of *St. Paul* himself, from the express Doctrine of the Church of *England* set forth in her Homilies, from the Writings of Bishops and Divines dead and living, from the known and unrepeal'd Laws of the Lands, and from the Reasonableness of laying down a general Rule without any Exception. That what farther Vindication could be necessary? Or how could a good Subject of the Realm, and a true Son of the Church, better make his Defence, than from the Laws of the one, and the Doctrines of the other? But because the great Objection had been, That the said Doctrine was there laid down without any Limitation or Exception at all; and Doctor *Henckman* being of a different Profession from the Gentleman that had spoke before him, he should take a different Way in Vindication of that Passage, and beg leave to follow the Method prescrib'd by one of the Learned Managers of the House of Commons. One of whom said, *Ex ore suo judicabitur*. Which was all he desir'd, that he might speak for himself, and then it would be seen whether that Passage might not be justify'd by the very same Methods that had been made use of to accuse him; and if nothing would satisfy the Gentlemen of the House of Commons but an Exception, an Exception they should have, and that out of Doctor *Sacheverell's* own Mouth, which was in the 10th Page, and the beginning of that very Paragraph, where the whole Foundation of that Accusation was laid. But he did not well know whether he might venture to mention it, lest it should subject him to a Prosecution in the Spiritual Court, or the Censure of his Diocesan; but if it might help to acquit him from that Impeachment, he would advise him to run the Risque of any Prosecution elsewhere.

The Clause was in these words, *But, Secondly, Men may be denominated False Brethren, with relation to the State, Government, or Society of which they are Members, The Constitutions of most Governmennts differing according to their several Frames and Laws upon which they are Built and Founded, it is impossible to lay down any one universal Rule, as the Scheme and Measure of Obedience, that may square to every one of them.*

Which Doctor *Henckman* said, was an observable Instance of that Gentleman's good Temper and Moderation; nothing could be said more like a good Christian, and a good Subject, and a Man of Temper: He was not there for bringing all Things to his own Rule, but every Government was to stand upon its own Foundation, and be govern'd according to its own Rules.

But



But he went on; *Only this Maxim in general, I presume, may be Establish'd, for the Safety, Tranquility, and Support of all Governments, That no Innovation whatsoever should be allow'd in the Fundamental Constitution of any State, without a very pressing, nay, unavoidable Necessity for it.*

That, In these Words there was a plain Exception made, whenever the Case of an unavoidable Necessity should happen; and no Body would deny but that the Revolution had been such an unavoidable Case, and of Necessity, and what could not be reflected on, but with great Satisfaction, and Thanks to God for bringing it about. But it seem'd very strange that the said Exception should stand so very full and plain in the very Front of that Paragraph from which the Learned Managers had chiefly drawn that Accusation, and yet never be so much as once taken notice of by them. That Passages at a much greater Distance had been Connected in order to Accuse him, and there could be no Reason given why the subsequent Passage in the same Paragraph should not be explain'd by that; why what in the beginning had been said of all Governments in general, should not be extended to that Part where he spoke particularly of our own Constitution; Which there was no Doubt Doctor *Sackeverell* had in his Thoughts, and would he hop'd sufficiently Vindicate him from that Charge.

He would not therefore trouble their Lordships any longer on that Head, but only observe, that the Doctor in his Answer had put himself upon his Defence, that the said Doctrine was agreeable to the Doctrine of the Church of *England* and the Laws of the Land, and they were ready to produce his Vouchers, and make it evident to their Lordships.

Then Sir *Simon Harcourt* said. If they had not already tir'd their Lordships, there was this wide Difference between the Managers for the House of Commons and them; that the former desir'd their Lordships to trust them, and to take their Words in every thing; whereas the Defendants humbly beg'd their Lordships to take their Words in nothing, but that they would give them leave to lay before them the Testimonies for every thing they had open'd; but those being very long, they humbly submitted it to their Lordships, whether it would be proper then to produce them. The first Evidence they desir'd to read, being some godly and wholesome Doctrine contain'd in the Homilies; which for their Lordships Ease, they had collected by a Person that was ready to swear to them. They humbly submitted it to their Lordships, whether it should be read out of the Writing, or whether the Books themselves should be produc'd; for they would observe, their Lordships Commands, and proceed which way their Lordships pleas'd.

Mr. *Dodd* added, That they were ready to observe their Lord-

Lordships  
pages ou  
of Parli  
were tru  
they we  
them all  
Mr. P  
be swor

The I  
any thin  
Gentlem  
prove, a  
ThenSi  
given the  
Defence  
his Try  
that had  
to deliber  
and acco  
and woul  
Mr. S  
draw for  
thought f  
Lordship

The Man  
House,  
nagers  
was ma

And S  
Manager  
sider of  
Bar, whi  
to confide  
For the fi  
ruption  
fence, th  
Matter t  
think pro  
ing the I  
could fan  
contented  
to save th  
mons and

Lordships Directions in that Matter; having collected the Passages out of the Homilies, the Articles, the Sermons, and Acts of Parliament; and had a Person ready to make Oath that they were truly Collected: But if there should be any Objection, they were ready to refer to the Books themselves, and had them all there ready to produce.

Mr. Phipps said, If their Lordships pleas'd, the Witness might be sworn.

*And accordingly Mr. Trapp was Sworn.*

The Lord Chancellor told the Council, That if they offer'd any thing in Evidence, they must take the same Method that the Gentlemen of the House of Commons had done, which was to prove, and then deliver it in at the Table to be there read.

Then Sir Joseph Jekyll desir'd the Lords to observe, That they had given the Council for the Prisoner no Disturbance during their Defence, that so they might come to a speedy Determination in his Tryal, otherwise they had Reason to Object to some things that had been said by the Council. That they thought proper to deliberate upon what the said Council was then going to do, and according to former Precedents, they desir'd to withdraw, and would attend their Lordships again presently.

Mr. Smith made the same Proposal for the Managers to withdraw for a while, there being something propos'd, which they thought fit to consider of, and had something to offer to their Lordships.

*The Managers being withdrawn, the Lords adjourn'd to their own House, and their Lordships returning to their Seats, and the Managers to the Place appointed for them; Proclamation for Silence was made by the Serjeant at Arms.*

And Sir Joseph Jekyll acquainted their Lordships, That the Managers had withdrawn for two Reasons, the one, to consider of several Expressions that fell from the Council at the Bar, which they had Reason to take Exceptions to; the other to consider of the Evidence they offer'd to their Lordships. For the first, the Managers were so desirous that no Interruption should be given to the Doctor's Council in his Defence, that they there took no Notice of it, but reserv'd that Matter to be taken Notice of at such other time as they should think proper. As to the Second, the Managers being unwilling the Doctor should be depriv'd of any thing his Council could fancy might be Material for his Defence, they were contented to let them go on in the Way they propos'd; but to save their Lordships time, they admitted the Books, Sermons and Pamphlets to be as they had open'd them.

But

But Sir *Simon Harcourt*, Pray'd they might be read, because they had not open'd the tenth part of them.

Mr. *Dodd* said they had Collected them, to save their Lordships Time, but had not open'd them, because they reserv'd them to be read.

Mr. *Phipps* added that the Witness was Sworn. And ask'd him whether that was a true Copy of what it referr'd to?

To which Mr. *Trapp* answer'd, That he had compar'd them with the Originals, and that was a Transcript from the Original:

Then Mr. *Phipps* ask'd whether they were entire Paragraphs?

To which Mr. *Trapp* reply'd, they were most of them entire Passages.

The Lord Chancellor ask'd the Gentlemen of the House of Commons, whether they did Object to the Evidence?

And Sir *Joseph Fekyll* answer'd, they did not.

Then the Lords Adjourn'd to their own House.

### Saturday, March 4. The Sixth Day.

THE Lords being seated as usual, and the Commons present, and the Managers at their Lordships Bar; the usual Proclamations were made;

And Doctor *Sacheverell* appearing at the Bar:

The Lord Chancellor said to the Gentlemen who were Council for Doctor *Sacheverell*, that having offer'd some Papers which they desir'd to be read in Evidence; the Gentlemen of the House of Commons had agreed to let them be read, as they desired.

Mr. *Dodd* Pray'd those Papers might be read.

And Mr. *Phipps* told the Lords, That the Defendant in his Answer did assert, " That the Doctrine of the Illegality of " Resistance to the Supreme Power, was contain'd in the Homilies, and approv'd by many of the Divines of the Church " of England; they therefore desir'd to have those Homilies, and the Sermons of those Divines, read.

Then Sir *Joseph Fekyll* said The Gentlemen that open'd for the Doctor had been pleas'd to mention some Homilies and other Books, one intitled, *A Necessary Doctrine and Erudition for any Christian Man* which they had desir'd might be read, and said they had collected the Passages out of them in a Paper which they had offer'd to their Lordships. That the Managers had look'd into that Paper, and found Extracts out of Gazettes, and other Papers, and were willing to let them read the Homilies, and that other Book call'd, *The*

*Erudition*

*Erudition*  
others,  
themselves  
Which  
And  
intitl'd,  
The C  
Erudition  
Majesty

And  
withdra  
towards  
any Cau  
thing to  
Estate.

In the  
Morec  
Prince, f

Then  
the Hon

The Clerk  
Where

Rulers h  
fore it is  
though t

But ne  
withstand  
surrection  
otherwise

Officers;  
and Injur  
God.

The T  
All Sub  
no Cause

diction aga  
First Pa  
What sh

wife and g  
Children b  
Governour

were it to  
is wife and  
therwise;

Enterprize



*Erudition for any Christian Man*; but when they came to the others, they pray'd they might produce the Books or Papers themselves.

Which Mr. Dodd said should be observ'd accordingly.

And Mr. Phipps desir'd they might begin with the Book intic'd, *The Erudition for any Christian Man*.

*The Clerk Read the Paper Abstract.* A Necessary Doctrine and Erudition for any Christian Man, set furthe by the King's Majesty of England, &c. Anno 34. H. 8.

*In the Exposition of the fyfte Commandment.*

And by this Commandment also Subjects be bounde not to withdrawe their said Fealtie, Trough, Love and Obedience towards their Prince, for any Cause whatsoever it be, ne for any Cause they maye conspire against his Person, ne do any thing towards the Hindrance or Hurt thereof, nor of his Estate. [Fol. 113.]

*In the Exposition of the syxte Commandment.*

Moreover, no Subjects may draw their Swords against their Prince, for any Cause, whatsoever it be. [Fol. 187. 9.]

Then Mr. Dodd desir'd they might read several Passages in the Homilies.

*The Clerk Read.] The 2d. Part of the Sermon of Obedience. p. 110.*

Whereby Christ taught us plainly; that even the wicked Rulers have their Power and Authority from God, and therefore it is not lawful for their Subjects to withstand them, although they abuse their Power.

But nevertheless, in that Case we may not in any wise withstand violently or rebel against Rulers, or make any Insurrection, Sedition or Tumults, either by Force of Arms (or otherwise) against the Anointed of the Lord, or any of his Officers; but we must in such Case patiently suffer all Wrongs and Injuries, referring the Judgment of our Cause only to God. Ibid. p. 113.

*The Third Part of the Sermon of Obedience, Pag. 114.*

All Subjects are bounden to obey their Magistrates, and for no Cause to resist, or withstand, or rebel, or make any Sedition against them, yea altho' they be wicked Men.

*First Part of the Sermon against wilful Rebellion, Pag. 589.*

What shall Subjects do then? Shall they obey valiant, stout, wise and good Princes, and contemn, disobey, and rebel against Children being their Princes, or against undiscreeet and evil Governours? God forbid! For, First, what a Perilous thing were it to commit unto the Subjects the Judgment which Prince is wise and godly, and his Government good, and which is otherwise; as though the Foot must Judge of the Head: An Enterprize very heinous, and must needs breed Rebellion.

And whereas indeed a Rebel is worse than the worst Prince, and Rebellion worse than the worst Government of the worst Prince that hether to hath been. [*Ibid.* p. 590.

*Second Part of the Sermon against wilful Rebellion, Pag, 600.*

Now let *David* answer to such Demands, as Men desirous of Rebellion do use to make, Shall not we, rise and rebel against a Prince, hated of God, No, saith Good and Godly *David*.

But say they, shall we not rise and rebel against so unkind a Prince, nothing considering or regarding our true, faithful and painful Service, or the Safeguard of our Posterity? No, saith good *David*. [*Ibid.* p. 601.

Shall we not rise and rebel against our known, Mortal, and deadly Enemy, that seeketh our Lives? No, saith godly *David*. [*Ibid.*

Shall we not assemble an Army, and by hazarding of our Lives, remove so naughty a Prince? No, saith godly *David*. [*Ibid.*]

What shall we then do to an evil, to an unkind Prince, an Enemy to us, hated of Good, hurtful to the Commonwealth, &c. Lay no violent Hand upon him (saith good *David*) but let him live, until God appoint and work his End, either by natural Death or in War, by lawful Enemies, not by traiterous Subjects. [*Ibid.*]

*Mr. Dodd* ask'd leave to read the thirty fifth Article of the Church of *England*, which approv'd those Homilies, and *Mr. Phipps* desir'd the same.

The Clerk Read. ] *Article the Thirty fifth. Of Homilies.*

The second Book of Homilies, doth contain a godly and wholesome Doctrine, and necessary for these Times; as doth the former Book of Homilies, which were set forth in the Time of *Edward* the Sixth. And therefore we judge them to be read in Churches by the Ministers, diligently and distinctly, that they may be understood of the People, &c.

*Mr. Phipps* said, those Articles had been confirm'd, by the Statute of the 13 *Eliz.* and he believ'd the Gentlemen of the House of Commons would allow of it.

*Mr. Dodd* added, they had been Confirm'd by the Act of Uniformity.

*Sir Jo. Fekyll* answer'd, they had told them they were willing to admit all they open'd, and therefore they admitted That.

Whereupon *Mr. Dodd* offer'd to go on with the Abstract.

And *Mr. Phipps* told the Lords, the Gentlemen said they admitted them to read what they had open'd; but they had not open'd what they were going to read next, and therefore submitted it to their Lordships whether they should read out of the Abstract, or produce the Book it self.

Sir *Jo. Fekyll* desir'd to know what it was they would read: Which *Mr. Phipps* said, was *Bishop Overall's* Convocation Book.

*Mr. Dee* Offer'd to produce the Book, because there were some broken Passages collected, and there might be some Objection if the Book were not produced.

*The Clerk read.* ] And therefore——

Sir *Jo. Fekyll* interrupted him saying, they were reading a Passage out of that Book; to which the Commons might object, that a Printed Book was no Proof of a Canon, and that they ought to make a legal Proof of it. But that what they Objected, was that they began in the middle of a Sentence, with the Words, *And therefore*; he pray'd the beginning of a Sentence might be read.

To which *Mr. Phipps* made answer, that Where the Clerk began was the beginning of that Canon, but being at the End of another Canon, was the Reason that it began *And therefore*.

*The Clerk read.* ] And therefore, if any Man shall affirm, under Colour of any thing that is in the Scriptures, that our Saviour *Christ* did any way, or at any time encourage the *Jews*, or any other, *directly* or *indirectly*, to *Rebel*, for any Cause whatsoever, against the *Roman* Emperor, or any of his Subordinate Magistrates; or, that he did not utterly and truly Condemn all Devices, Conferences, and Resolutions whatsoever, either in his own Apostles, or in any other Persons, for the using of Force against Civil Authority; or that all Subjects of what Sort soever, without Exception, ought not, by the Law of God, to Perish with the Sword, that take; and use the Sword, for any Cause, against Kings and Sovereign Princes, under whom they were Born, or under whose Jurisdiction they do inhabit; or, that by any Doctrine or Example, which *Christ* ever taught, or hath left upon good Record, it can be proved Lawful to any Subjects, for any Cause of what Nature soever, to decline either the Authority and Jurisdiction of their Sovereign Princes or of any ~~the~~ Lawful Deputies and Inferior Magistrates ruling under them; He doth greatly Err. [ *Bishop Overall*, p. 107. Can. 1.

*Mr. Phipps* told the Lords, They had open'd, that from the Time of the Reformation that had been the Doctrine of the Church; and therefore desir'd to begin, and shew it had been *Archbishop Cranmer's* Opinion: In *Strype's* Memorial of *Arch-Bishop Cranmer*.

*The Clerk read.* ] The second Exhortation is, That next unto God you obey your King and Queen willingly and gladly, without Murmur or Grudging, and not for Fear of them only, but much more for the Fear of God. Knowing that they be God's Ministers, appointed by God to Rule and Govern you;



and therefore whoſo reſiſteth them, reſiſteth God's Ordinance. [Lond. Edit. p. 387. Folio.

Mr. Phipps ſaid, They next offer'd a Declaration of Biſhop Ferrar, Biſhop Hooper, Biſhop Coverdale, and about nine other Biſhops, which was in Fox's Hiſtory.

*The Clerk read.*] Humbly requiring, and in the Bowels of our Saviour Jeſus Chriſt, beſeeching all that fear God to behave themſelves as obedient Subjects to the Queen's Highneſs, and the Superior Powers, which are Ordained of God, under her, rather, after our Example, to give their Heads to the Block, than in any point to Rebel, or once to Mutter againſt the Lord's Anointed. *This was Sign'd as mention'd by Mr. Phipps* [Vol. 3. p. 101.

The next Mr. Phipps offer'd, was the Opinion of Biſhop Jewell, in his Defence of the Apology for the Church of England, in an Answer to Mr. Harding.

*The Clerk read.*] We teach the People as St. Paul doth, to be Subject to the higher Powers, not only for Fear, but alſo for Conſcience; We teach them that whoſo ſtriketh with the Swerde by private Authority, ſhall periſh with the Swerde: If the Prince happen to be Wicked, or Cruel, or Burthenous, We teach them to ſay with St. Ambroſe, *Arma noſtra ſunt Preces & Lacrymæ, Tears and Prayers be our Weapons.* [Printed Ann. 1568. fol. 19.

The next was Mr. Hooker in his Eccleſiaſtical Polity.

*The Clerk read.*] That Subjection which we owe to lawful Powers, doth not only import, that we ſhould be under them by Order of our State, but that we ſhew all Submission towards them, both by Honour and Obedience; *He that reſiſteth them reſiſteth God*: And reſiſted they be, if either the Authority it ſelf, which they exerciſe, be denied, or if Reſiſtance be made, but only ſo far forth, as doth touch their *Persons*, which are inveſted with *Power*; or if that which they do by virtue of their *Power*, namely, their *Laws, Edicts, Services*, or other Acts of Jurisdiction, be not ſuffer'd to take Effect, or if they do take Effect, yet is not the Will of God thereby ſatisfied neither, as long as that which we do is contemptuouſly or repiningly done, becauſe we can do no otherwiſe. The Apoſtles Precept therefore is, *Be ſubject even for God's Sake, be ſubject not for Fear, but of meer Conſcience, knowing, that he which reſiſteth them, purchaſeth to himſelf Condemnation.* [Fol. 470. Lond. Edit. 1705.

Mr. Gen. Stanhope deſir'd, That ſince Hooker's Eccleſiaſtical Polity was before their Lordſhips, and they had read that Part, the other from pag. 444, to the latter end of pag. 446. might likewiſe be read.

Mr. Dodd ſubmitted it to their Lordſhips, whether it were proper to break into their Defence? Or whether the Gentlemen of the Houſe of Commons would read what they thought proper

per w  
being  
Si  
letting  
and th  
neſs;  
fir'd to  
Mr.  
M. C  
The C  
And  
in the  
ply from  
The C  
Discret  
ment o  
unto K  
due. --  
Kingly  
mand,  
are exa  
Hands  
fairs th  
Works  
Men: --  
Equity  
ledge, t  
Sovereig  
Successo  
for an op  
unto the  
he hath  
N  
The Cl  
worſt is  
is all I fi  
be; by  
Edition,  
Mr. P  
in a Tre  
Clerk r  
is added  
the Doct  
Clavi Tra  
The Lon  
of the W  
whoſe W

per when they came to Reply. The Course in other Courts being to give their Evidence intire.

*Sir F. Jekyll* thought the Indulgence of the Managers, in letting the Doctor's Council go into that Evidence very great, and that they might be at Liberty to cross-examine that Witness; so he call'd the Book; because, perhaps the Place they desir'd to have read might explain the Passages read by them.

*Mr. Phipps* submitted to it.

*M. Gen. Stanhope* ask'd the Edition of that Book?

*The Clerk* answer'd, it was Printed in 1705.

And *M. Gen. Stanhope* added, That if they should be mistaken in the Edition, he hop'd they should not be hindred in their Reply from reading those Passages in the Edition he had consulted.

*The Clerk read.*] Again, on whom the same is bestow'd at Mens Discretions, they likewise do hold it by Divine Right. — Payment of Tribute unto *Cesar*, is the plain Law of Jesus Christ unto Kings by Human Right; Honour by very Divine Right is due. — That the Christian World should be ordered by the Kingly Regiment, the Law of God doth not any where Command, and yet the Law of God doth give them, which once are exalted unto that place of Estate, Right to exact at the Hands of their Subjects general Obedience in whatsoever Affairs their Power may serve to Command, and God doth ratifie Works of that Sovereign Authority, which Kings have receiv'd by Men: — Unless we will openly proclaim Defiance unto all Law, Equity and Reason, we must (there is no Remedy) acknowledge, that in Kingdoms, Hereditary Birth giveth Right unto Sovereign Dominion, and the Death of the Predecessor puts the Successor by Blood in Seisin. Publick Solemnities do but serve for an open Testification of the Inheritor's Right, or belonging unto the form of inducting him into Possession of that Thing he hath Right unto: [Fol. 441.

Next *Mr. Dodd* produc'd Bishop *Andrews's* Sermons.

*The Clerk read.*] To deprive or depose them? Sure where the worst is reckon'd that can be of them, *Clamabunt ad Dominum* is all I find, 1 *Sam.* 8. 18. By him, and by none but by him, they be; by him, and by none but by him, they cease to be. [Lond. Edition, Fol. 1632. p. 939.

*Mr. Phipps* desir'd to read another Passage out of *Mr. Hooker*, in a Treatise of Church Government.

*Clerk reads.*] A Treatise of Church Government: To which is added a Treatise of the Regal Power, and of the Novelty of the Doctrine of Resistance, Publish'd by *Dr. Bernard* in his *Clavi Trabales*.

*The Lord Chancellor* interpos'd, saying, That was a Collection of the Works of several Persons; so that it did not appear whose Works those were that they were reading.

To which Mr. Phipps made Answer, That what they offer'd to be read was Mr. Hooker's, and had been left out of the Book which was printed before.

*The Clerk read.*] There is a Supreme Head of Justice whereunto All are Subject, but It self in Subjection to None; which kind of Preeminence it some ought to have in a Kingdom, who but the King shall have it? Kings therefore no Man can have Lawful Power and Authority to judge; if private Men offend, there is the Magistrate over them which judgeth; if Magistrates, They have Their Prince; if Princes there is Heaven, a Tribunal before which they shall appear, On Earth They are not Accountable to any. [Lond. Edit. 1601. 4to. pag. 49, 50.

Mr. Phipps then offer'd Doctor Jackson's Opinion in that Matter.

*The Clerk read.*] He that is a King or Supreme Magistrate, by just and lawful Title, may not be thus resisted, albeit he exercise his Power Tyrannically. [Iom. 3. p. 965.

The next was Archbishop Usher in a Treatise call'd, *The Power communicated by God to the Prince, and the Obedience requir'd of the Subject, &c.*

*The Clerk read.*] God's Word is clear in the Point, *Whosoever resisteth the Power, resisteth the Ordinance of God, and they that resist shall receive to themselves Damnation*; and thereby a Necessity is impos'd upon us, of being subject even for Conscience-sake, which may not be avoided by the Pretext of any ensuing Mischief whatsoever.

Mr. Phipps said, They offer'd next the Authority of Mr. *Chillingworth*, whose Character was so establish'd by the Lord *Clarendon* that they needed to say no more of it.

*The Clerk read.*] They that make no Scruple at all of fighting with his Sacred Majesty, whom by all possible Obligations they are bound to defend, do they know, the General Rule without Exception or Limitation, left by the Holy Ghost for our Direction in all such Cases? *Who can lift up his Hand against the Lord's Anointed, and be Innocent?* 1 Sam. 26. 9. Or do they consider his Command in the Proverbs of Solomon, *My Son fear God and the King, and meddle not with them that desire Change?* Pro. 24. 21. Or his Counsel in the Book of Ecclesiastes, *I Counsel thee to keep the King's Commandment, and that in Regard of the Oath of God?* Ecclef. 8. 2. — Do they know and remember the Precept given to all Christians by St. Peter, *Submit your selves to every Ordinance of Man for the Lord's sake, whether it be to the King as Supreme, or unto Governours, as unto them that are sent by him?* Or that terrible Sanction of the same Command, *They that resist shall receive to themselves Damnation*, left us by St. Paul in his Epistle to the Romans, who then were the miserable Subjects of the worst King, the worst Man, nay, I think, I may add truly the worst Beast in the World? That so all Rebels Mouths

might

might  
whatso  
330. L

The  
The  
all Con  
against  
fore no  
whatso  
Attem  
him can  
his Pe

If a  
unjust  
against  
[Ibid.]

Mr.  
The C  
can ma  
self an  
sensitive  
simply,  
Man, a  
whatso  
stance  
nor for  
selves  
Preserv  
imagin  
Redem

Mr.  
ving be  
the Dec  
in the C

The C

The  
in their  
Books,  
sons of  
Society

The  
rity is  
adly  
between  
his Du



might be stop't for ever, and left without all Colour or Pretence whatsoever to justify the Resistance of Sovereign Power. [Fol. 330. Lond. 1714. Folio.

The next offer'd, was Archbishop Bramhall,

*The Clerk read*] The same Oath binds us to defend him against all Conspiracies and Attempts whatsoever, which shall be made against his Person or Crown, to defend him, much more therefore not to offend him, against all Conspiracies and Attempts whatsoever; that Oath which binds us to defend him against all Attempts whatsoever, presupposeth that no Attempt against him can be justified by Law, whether these Attempts be against his Person or his Crown. [Pag. 531. Dublin, 1678. Folio.

If a Sovereign shall persecute his Subjects for not doing his unjust Commands, yet it is not lawful to resist by raising Arms against him, *They that resist shall receive to themselves Damnation*: [Ibid. fol. 542.

Mr. Dodd. said, The next was Bishop Sanderfon.

*The Clerk read.*] No Conjunction of Circumstances whatsoever, can make that Expedient to be done at any Time, that is of it self and in the kind unlawful. For a Man to take up Arms (Offensive or Defensive) against a lawful Sovereign, being a thing simply, and *de toto genere* unlawful, may not be done by any Man, at any Time, in any Case, upon any Colour or Pretension whatsoever; Not for the avoiding of Scandal, not at the Instance of any Friend, or Command of any Power upon Earth; nor for the Maintenance of the Lives or Liberties either of our selves or others; nor for the Defence of Religion; not for the Preservation of a Church or State; no nor yet, if that could be imagin'd possible, for the Salvation of a Soul; no, not for the Redemption of the whole World. [Fol. 522.

Mr. Phipps here told the Lords, that Doctor Sacheverell having being educated in the University of Oxford, they offer'd the Decrees of that University touching that Matter, publish'd in the Gazette the 26th of July, 1683, by Authority.

*The Clerk read.*] Numb. 1845.

*The London Gazette.* Published by Authority.

From Monday July 23. to Thursday July 26. 1683.

The Judgment and Decree of the University of Oxford, past in their Convocation, July 21. 1683. against certain pernicious Books, and damnable Doctrines, destructive to the sacred Persons of Princes, their State and Government, and of all Human Society.

The Damnable Doctrines are, 1st. That all Civil Authority is deriv'd Originally from the People.

2dly. That there is a mutual Compact, Tacit or Express, between a Prince and his Subjects; and if he perform not his Duty, they are discharg'd from theirs.

3dly. That if Lawful Governors become Tyrants, they forfeit the Right they had to their Government.

4thly. That the Sovereignty of *England* is in the three Estates viz. King, Lords and Commons.

5thly. That Birth-right and Proximity of Blood give no Title to Rule or Government; and it is lawful to preclude the next Heir.

6thly. That it is Lawful for Subjects, without the Consent of the Supreme Magistrate, to enter into Leagues, Covenants, and Associations, for Defence of themselves and their Religion.

7thly. Self-Preservation is the Fundamental Law of Nature, and Supercedes the Obligation of all others,

8thly. That The Doctrine of the Gospel concerning patient Suffering of Injuries, is not inconsistent with violent resisting of the higher Powers in case of Persecution for Religion.

9thly. That there lyes no Obligation upon Christians to Passive Obedience, when the Prince commands any thing against the Laws of our Country;

10thly That Possession and Strength give a Right to Govern; and Success in a Cause or Enterprize proclaims it to be Lawful and Just.

11. That, In the State of Nature there is no difference between Good and Evil, Right and Wrong: *The State of Nature is a State of War, in which every Man hath a Right* to all things.

12. That the Foundation of Civil Authority is this natural Right, and a Domestick Rebel by his Rebellion acquires the same Right over the Life of his Prince as the Prince for the most heinous Crimes has over the Life of his own Subjects.

13. That Every Man after his entering into a Society, retains a Right of defending himself against Force,

14. That an Oath superadds no Obligation to Pact, and a Pact obliges no farther than it is credited; and consequently, if a Prince gives any Indication that he does not believe the Promises of Fealty and Allegiance made by any of his Subjects, they are thereby freed from their Subjection, and notwithstanding their Pacts and Oaths, may lawfully Rebel against and destroy their Sovereign.

15. That if a People that by Oath and Duty are oblig'd to a Sovereign, shall sinfully dispossess him, and chuse another, they may be oblig'd by their later Covenants, notwithstanding their former.

16. That all Oaths are unlawful, and contrary to the Word of God.

17. That an Oath obliges not in the Sense of the Imposer, but the Takers.

18. That Dominion is founded in Grace.

19. That the Powers of this World are Usurpations upon the Prerogative of Jesus Christ; and it is the Duty of God's People to destroy them, in order to the setting Christ upon his Throne.

20. That the Presbyterian Government is the Scepter of Christ's Kingdom, to which Kings as well as others are bound to submit; and the King's Supremacy in Ecclesiastical Affairs, is injurious to Christ, the sole King and Head of his Church.

21. That Wicked Kings and Tyrants ought to be put to Death; and if the Judges and Inferior Magistrates will not do their Office, the Power of the Sword devolves to the People; if the major Part of the People refuse to Exercise this Power, then the Ministers may Excommunicate such a King; after which it is Lawful for any of the Subjects to kill him.

22. That It is Lawful for a Private Man, having an inward Motion from God, to kill a Tyrant.

23. That King *Charles* the First was Lawfully put to Death, and his Murderers were the blessed Instruments of God's Glory in their Generation.

24. That King *Charles* the First made War upon his Parliament, and in such a Case the King may not only be resisted, but he ceaseth to be King.

We Decree, Judge, and Declare all and every of these Propositions to be False, Seditious and Impious, and most of them to be also Heretical and Blasphemous, Infamous to Christian Religion, and Destructive of all Government in Church and State, &c.

Then Mr. *Phipps* told the Lords, That to shew Archbishop *Tillotson* had been of the same Opinion, they desir'd to read his Letter which he wrote to the Lord *Russell*, when he was under his Condemnation in *Newgate*, the 20th of *July*, 1683.

*The Clerk read.*] I do humbly offer to your Lordship's deliberate Thoughts these following Considerations concerning the Points of Resistance, if our Religion and Rights should be invaded, as your Lordship puts the Case.

*First*, That the Christian Religion doth plainly forbid Resistance of Authority.

*Secondly*, That tho' our Religion be Establish'd by Law, yet in the same Law which Establishes our Religion it is declared, That it is not Lawful upon any Pretence whatsoever to take up Arms, &c. And that tyes the Hands of Subjects, tho' the Law of Nature, and the general Rules of Scripture had left us at Liberty.

*Thirdly*, Your Lordship's Opinion is contrary to the declared Doctrine of all Protestant Churches;— my End in this is,  
to



to convince your Lordship that you are in a very great and dangerous Mistake, &c.

J. TILLOTSON.

Next Mr. Phipps Offer'd the Opinion of Bishop *Stillingfleet*.  
*The Clerk read.*] A Vindication of the Answer, to some late Papers concerning the Unity and Authority of the Catholick Church, and the Reformation of the Church of England.

But it hath been said by some Body, *That we had our Government and Ceremonies from his Church, our Doctrine from Luther and Calvin; and that we had nothing peculiar to our Church but our Doctrine of Non-Resistance, and much good may it do us, &c.* [Page 89. Lond. 1687.

Mr. Phipps added, that the same Bishop in a *Discourse of the Unreasonableness of a new Separation*; took Notice of some Objections made by those who were Friends to the Government, as if Non-Resistance were not consistent with the Revolution.

The Lord Chancellor Objected there was no Name of an Author to those Books they then produc'd.

To which Mr. Dodd answer'd, That the Book was generally known by all Learned Men to be Bishop *Stillingfleet's*, and Mr. *Chiswell*, who Printed it had attended there three Days to prove it, but was then ill; yet had left a Certificate that he Printed it, and all Learned Men knew it to be his.

*The Clerk read.*] If any particular Persons have advanced new Hypotheses of Government, contrary to the Sense of our Church, let them answer for themselves. The Case of the Oaths is quite of another Nature; here is no Renouncing the Doctrine of Passive Obedience, or Asserting the Lawfulness of Resistance.

Mr. Phipps desir'd their Lordships to observe that since the Revolution that general Doctrine of Passive Obedience was Asserted by him.

And then Mr. Dodd offer'd Dr. *Sherlock* in his *Case of Allegiance* stated.

*The Clerk read,*] And Bishop *Overall's* Convocation Book, which is lately published, the principal Design of which is to assert the irresistible Authority of Sovereign Princes, does as plainly assert this too, That all settled Governments, whatever their Beginnings were, have God's Authority, and must be obeyed, —so that Obedience and Allegiance to the present Powers, when they are once well settled among us, is so far from being a renouncing of the Doctrine of Non-Resistance and Passive Obedience, that those who refuse to comply, must renounce the only Principle whereon that Doctrine is reasonably founded, and consequently renounce the Doctrine it self. p. 37. Lond. 1691. 42.

After

Aft  
 Bishop  
 by the  
 The  
 Revere  
 Bishop  
 I ca  
 tive of  
 And a  
 rebels  
 the Or  
 nance,  
 up as  
 his Lav  
 For,  
 be subje  
 but of  
 And  
 Rebel a  
 that re  
 resisteth  
 themsel  
 as certa  
 upon th  
 King, f  
 that Po  
 Upon  
 Prince c  
 Subjects  
 that he r  
 Holy, Pe  
 ver so w  
 me, it d  
 him. In  
 that is, t  
 version:  
 The n  
 terbury's  
 The Cl  
 gion, wh  
 giance to  
 Wo to  
 sistance b  
 lieve this  
 that is, w  
 we spoke  
 be manag  
 destruciv

After which Mr. *Rhipps*, offer'd a Book, Publish'd by the late Bishop *Beveridge*, with Her Majesty's Licence, countersign'd by the Earl of *Sunderland*.

The Clerk read.] *Private Thoughts upon Religion. By the Right Reverend Father in God, William Beveridge, D. D. late Lord Bishop of St. Asaph.*

I cannot but look upon a lawful King as truly a Representative of the most high God, as a Parliament is of the People: And am therefore perswaded that whosoever rebels against him, rebels against God himself; not only in that he rebels against the Ordinance of God, and so against the God of that Ordinance, but because he rebels against him, whom God hath set up as his Vicegerent, to represent his Person, and execute his Laws, in such a part of his Dominions.

For, thus saith the Lord of Hosts, *Rom. 13. 1. Let every Soul be subject to the Higher Powers. Why? Because there is no Power but of God; the Powers that be, are ordained of God.*

And he has denounced as great a Judgment against such as Rebel against the Magistrate he hath ordained, as against those that rebel against himself; For, *Whosoever resisteth the Power, resisteth the Ordinance of God; and they that resist shall receive to themselves Damnation*, ver. 2. So that the Wrath of God shall as certainly fall upon those that rise up against the King, as upon those that fight against God. He that fights against his King, fights against God himself, who hath invested him with that Power and Authority.

Upon this Ground it is, that I believe the Wickedness of a Prince cannot be a sufficient Plea for the Disobedience of his Subjects; for it is not the Holiness, but the Authority of God that he represents, which the most Wicked, as well as the most Holy, Person may be endow'd with: — Suppose a Prince be never so wicked, and never so negligent in his Duty of Protecting me, it doth not follow, that I must neglect mine of Obeying him. In such a case, I have another Duty added to this, and that is, to pray for him, and to intercede with God for his Conversion:

The next Book Mr. *Dodd* offer'd was the Archbishop of *Canterbury's* Treatise, Intituled, *The Creed of Mr. Hobbs Examined*.

The Clerk read.] There is no Tye so strong as that of Religion, which eternally bindeth a Conscientious Subject in Allegiance to his Sovereign. [Pag. 158. Lond. 1670.

Wo to all the Princes upon Earth, if this Doctrine of Resistance be true, and becometh popular: If the Multitude believe this, the Prince not arm'd with the Scales of the *Leviathan*, that is, with irresistible Power, can never be safe, If the Beast we spoke of come but to know its own Strength, it will never be manag'd. Wherefore such as own these pernicious Doctrines, destructive to all Societies of Men, may be said to have Wolves  
Heads,

Heads, and are like those Ravenous Beasts, so far from deserving our Love and Care, that they ought to be destroy'd at the common Charge. [*Ibid.* p. 160, 161.

Mr. Phipps produc'd a further Account of the Opinion of the same Arch-bishop of *Canterbury*, in a Printed Paper, Intituled, *An Account of what passed at the Execution of the late Duke of Monmouth, on Wednesday the 15th of July, 1685. on Tower-Hill.*

Wherein the Clerk read, That the said Arch-bishop having attended the Duke of *Monmouth* at his Execution, earnestly press'd him to make a particular Confession of his Crime and acknowledge himself guilty of Rebellion against his lawful Prince, adding he must acknowledge the Doctrine of Non-Resistance to be true, and the Arch-bishop and others with him declar'd, That publick Satisfaction to be a necessary part of his Repentance, and that they could not pray for him with that Cheerfulness they should, without that particular Acknowledgment and Detestation of his Rebellion.

Mr. Phipps desir'd they might read the Sermon of his Grace the present Archbishop of *York*, preach'd before their Lordships on the 30th of *January, 1700.*

*The Clerk read.*] And in case it ever happen that we cannot with a safe Conscience Obey, there we are patiently to suffer the Penalties of our Disobedience; but by no means either to affront their Persons, or to disturb their Government, by raising or partaking in any Tumult, or Insurrection, or Rebellion. p. 13.

That there is such a Submission due from all Subjects to the Supreme Authority of the Place where they live, as shall tie up their Hands from Opposing, or resisting it by Force, is evident from the very Nature and Ends of Political Society. And I dare say, there is not that Country upon Earth, let the Form of their Government be what it will (absolute Monarchy, legal Monarchy, Aristocracy or Common-wealth) where this is not a part of the Constitution. Subjects must obey Passively, where they cannot Obey Actively:— Nor is this only a State Doctrine, but the Doctrine also of Jesus Christ, and that a necessary, indispensable one too, as sufficiently appears from those famous Words of *St. Paul, Rom. 13. 1, 2.* which are so plain, that they need no Comment,— So that so long as this Text stands in our Bibles, the Doctrine of Non-Resistance, or Passive Obedience, must be of Obligation to all Christians. [*Ibid.* p. 19, 20.

Mr. Dodd Pray'd the Clerk to see whether the Thanks of the House had been given to the Archbishop for his Sermon; and he read the Order of the Lords for the Thanks of the House to be given to his Grace.

Mr. *Walpole* then interpos'd, saying, He presum'd the Council had offer'd all they thought proper to offer out of that Sermon: But to show a Specimen of the Candor of the Doctor's

Quotations,

Quotations  
graphs of

*The Clerk*  
taken, th  
lar Court  
a Duty to  
express'd  
the Inst  
the differ

To spe  
are the  
same La  
not bound  
require  
the Law

Mr. W  
read; w

*The Clerk*  
presume  
lick Affa  
the Form  
adjust th  
Liberties  
a Divine  
mons, I  
Censure  
This is in  
Office th  
ther Cha  
cent in a  
Points, a  
in the P

Mr. P  
entirely c  
should sh  
able to th  
was there  
taken up  
would be  
fir'd to re

*The Clerk*  
Principal  
the Preac  
the Gover  
and Rebell  
of this Da



Quotations, he pray'd the Clerk might read the two next Paragraphs of that Sermon, as distinctly as he had read the others.

*The Clerk read.*] But then, after I have said this, care must be taken, that this general Doctrine be not misapply'd in particular Countries. Tho' Non-Resistance or Passive Obedience, be a Duty to all Subjects, and under all Governments, yet it is not express'd the same way in all Places, but both the Objects and the Instances of it do vary in different Nations, according to the different Models of their Government. [Fol. 20.

To speak this as plainly as I can: As the Laws of the Land are the Measures of our Active Obedience, so are also the same Laws the Measures of our Submission; and as we are not bound to Obey, but where the Laws and Constitution require our Obedience, so neither are we bound to submit, but as the Laws and Constitution do require our Submission.

Mr. Walpole farther desir'd one Paragraph more might be read; which began with these Words, *If indeed a Preacher.*

*The Clerk read.*] If indeed a Preacher should in the Pulpit presume to give his Judgment about the Management of publick Affairs, or to lay down Doctrines as from Christ about the Forms and Models of Kingdoms or Commonwealths, or to adjust the Limits of the Prerogative of the Prince, or of the Liberties of the Subject in our present Government; I say, if a Divine should meddle with such matters as these in his Sermons, I do not know how he can be excus'd from the just Censure of meddling with things that nothing concern him: This is indeed a *prattising* in *State-matters*, and is Usurping an Office that belongs to another *Profession*, and to Men of another *Character*; And I should account it every whit as undecent in a Clergyman to take upon him to deal in these Points, as it would be for him to determine Titles of *Land* in the *Pulpit*, which are in dispute in *Westminster-Hall*.

Mr. Phipps answer'd, That as to the first Paragraphs they entirely concurr'd in what was laid down in them; and if they should shew that the Doctrine of Non-Resistance was agreeable to the Laws of the Land, then it was agreeable to what was there laid down: As to the other Part, if the Doctor had taken upon him to treat of the Model of Government, he would be under the Censure of the Archbishop; but they desir'd to read a little before the beginnig of that Paragraph.

*The Clerk Read.*] Titus 3. 1. *Put them in mind to be subject to Principalities and Powers, to obey Magistrates*— the business that the Preacher hath to do, is to press *Obedience* and *Subjection* to the Government we live under, and to preach against *Faction*, and *Rebellion*; And accordingly, it is prescribed in the *Rubrick* of this *Day's Service*, that if there be a *Sermon* at all, and not

a Homily, it shall be upon this Argument, — there are some among us think it a very improper Theme for the Pulpit.

St Paul here lays his Charge upon Titus, that he should put the People that were under his Care in mind, to be subject to Principals, and Powers, and to obey Magistrates —

It is not Foreign to a Clergyman's Office to Preach Obedience and Subjection to the Government; but on the contrary a Part of his Function, a necessary Duty incumbent upon him to do it.

We are all bound, as we have Occasion, to Preach up Loyalty, and Obedience to our Governours; for this is no State Affair, but an Affair of the Gospel. We cannot Instruct Men in Christ's Religion, without instructing them in this.

If indeed, it was an indifferent thing to a Man's Christianity, or to his Salvation, whether he was a good or a bad Subject, then it would be as indifferent to a Preacher, whether he insisted on these things to the People; but it is not so.

One great Vice and damnable Sin that the Religion of our Lord has caution'd against, is the Sin of Faltiousness and Rebellion; and therefore if it be our Duty to declare against the Sins and Vices that are contrary to Christianity, it is our Duty to declare and caution against this also.

Mr. Phipps then said, he did not desire to read any more; as believing they had justify'd their Quotations, and shew'd it to be the Opinion of that Great and Learned Archbishop, that the Doctrine of Passive Obedience and Non-Resistance was the Doctrine of the Church; and that it was a Duty incumbent on the Clergy to Preach it to the People.

Mr. Dodd next offer'd the Opinion of the then Bishop of Worcester, in a Sermon preach'd before the late Queen the 29th of May, 1692, when he was Bishop of St. Asaph.

The Clerk read. ] Our Obedience was made use of as a perfect Snare to us; we must not resist, that our Religion would not allow. — It was God that Infatuated our Oppressors, to join the Injuries of a People that cou'd not lawfully Resist, with those of a Prince that cou'd not lawfully pass them by without Resistance.

Mr. Phipps produc'd a Sermon preach'd by the Bishop of Rochester before the Artillery Company, upon the 29th of May, 1692.

[ The Clerk read. ] If St. Peter was, then certainly all other Christian Subjects are forbidden to unsheath the Sword against their Lawful Sovereign, or his Ministers; as they are commission'd by him, tho' they do it on a Pretext so Spiritual, as the Cause of Christ himself. — Can there be any Colour so specious, any Cause so just, in which, instead of Damnation, a Christian Subject may justly expect to receive to himself Salvation, on the Account of Resisting? [ Ib. 25, 26.

Mr. Phipps then offer'd the Authority of the Lord Bishop of Sarum; where he shew'd, that to be not only the Doctrine

of the C  
and of a

The C  
and Law  
Burnet.

These  
the Rom  
of the R  
Supreme

[ Printed  
He, th  
nister he  
ground t

jects to  
made ap  
him, and

Power f  
tion of i  
shall dev

ranted S  
ing his M

Mr. P  
shop of  
red, in a

The C  
demonis t

establisht  
unaltera

the lawf  
sion to t  
Hands.

had thei  
Renegad  
Church

don. pag  
Mr. P  
the Supr

Sir Pe  
to any o  
tled, TH

of the Ck  
The Cl

is such th  
justly a F  
some Le

administ  
But this  
tho' ther

of the Church of England, but of the Church of Scotland, and of all Christian Churches.

The Clerk Read. ] *A Vindication of the Authority, Constitution and Laws of the Church and State of Scotland, &c. By Gilbert Burnet.*

These Words of St. Paul being as at first address'd to the Romans, so also design'd by the Holy Ghost to be a part of the Rule of all Christians, do prove, that whoever hath the Supreme Power, is to be submitted to, and never resisted. [Printed at Glasgow, 1673. Pag. 41, 42.]

He, that is the King, is only accountable to God, whose Minister he is. And this must hold good, except you give us good ground to believe, that God hath given Authority to the Subjects to call him to account for his Trust; but if that be not made appear, then he must be left to God, who did impower him, and therefore can only Coerce him. As one having his Power from a King, is countable to none for the Administration of it, but to the King, or to those on whom the King shall devolve it: So except it be proved, that God hath warranted Subjects to call their Sovereigns to account, they being his Ministers, must only be answerable to him.

Mr. Phipps produc'd another Sermon preach'd by the Bishop of Salisbury, intitled, *Subjection for Conscience Sake asserted, in a Sermon preach'd at Guildhall, 1689.*

The Clerk Read. ] Blessed be God, our Church hates and condemns this Doctrine from what Handssoever it comes, and hath establish'd the Rights, and Authority of Princes, on sure and unalterable Foundations, enjoining an entire Obedience to all the lawful Commands of Authority, and an absolute Submission to that Supreme Power God hath put in our Sovereign's Hands. This Doctrine we justly glory in; and if any that had their Baptism, and Education in our Church, have turn'd Renegades from this, they prov'd no less Enemies to the Church her self, than to the Civil Authority: [Printed at London. pag. 30.]

Mr. Phipps here observ'd, That the absolute Submission to the Supreme Power were the Words in the Doctor's Sermon.

Sir Peter King pray'd, That before their Lordships went on to any other, the 17th Page of the Book before read, intitled, *The Vindication of the Authority, Constitution and Laws of the Church and State of Scotland*, might be read.

The Clerk read. ] The Case varies very much when the Abuse is such that it tends to a total Subversion, which may be call'd justly a *Phrensie*, since no Man is capable of it 'till he be under some Lesion of his Mind; in which Case, the Power is to be administr'd by others, for the Prince and his Peoples Safety: But this will never prove that a Magistrate governing by Law, tho' there be great Errors in his Government, ought to be coerced:



erced : Otherwise you must open a Door to perpetual Broils, since every one by these Maxims becomes Judge ; and where he is both Judge and Party, is not like to be cast in his Pretensions : And even few Malefactors die, but think hard measure is given them. If then forcible Self-defence be to be follow'd, none of these should yield up their Lives without using all Attempts for rescuing them.

*Mr. Dee* then offer'd a Sermon by the Bishop of *Ely* before the Lord-Mayor and Aldermen at *Guildhall*, the 26th of *January*, 1684.

*The Clerk read.*] The patient Christian cannot but condemn those, who under the Pretence of defending their Rights or Religion, resist lawful Authority. It being a Blasphemy against the Divine Wisdom, and Power, to suppose God can ever stand in need of our Sins to bring to pass his most glorious Designs. He then in whom this Virtue dwells, keeps a due Regard to the Commands laid upon him, to submit himself to the Supreme Powers, and he dares not lift up his Hand against the Lord's Anointed, or levy War upon the most plausible Account whatsoever, [*Pag. 19.*]

There is an universal absolute Command in Holy Scripture laid upon all Christians, to be subject to the Supreme Powers in all Cases. Now nothing is plainer, than that if we be requir'd to be subject in all Cases, Resistance in any will be sinful. *Let every Soul be subject to the Higher Power* ; to which Christian Precept there is no Exception to be found for any Person, in any Instance, from one End of the Christian Institution to the other. The Holy Scripture gives Permission no more to the People collected into one Body to rebel, than it does to each of them, by himself singly consider'd. Every Christian, in all Circumstances, is requir'd to conform to the Laws of the Supreme Authority, if they have no Repugnancy to God's Laws, and to suffer patiently where Obedience would be a Sin.

*Mr. Dee* next produc'd a Sermon of the Bishop of *Bath and Wells*, preach'd before the King at *Whitehall* the fifth of *November* 1681.

*The Clerk read.*] We should in no Case, and for no Reason Resist the Church, of which we have the Blessing to be Members, where she can't obey, is ready to endure, expecting her Reward in Heaven. Not ignorant how much she suffers now from the Contradiction of disloyal Men for the Truth of this Doctrine, and how much for its Meekness she stands expos'd to future Persecution. [*p. 11. Ibid. p. 19.*]

The next was a Sermon preach'd by the Bishop of *Lincoln* before their Lordships on the 30th of *January* 1708, and publish'd by their Lordships Command.

If  
again  
must  
tientl  
Peter,  
Power  
Wh  
it refi  
dience  
Inflit  
Christi  
Christi  
The  
" and  
" this  
" or on  
" any  
" to ha  
" this  
The  
Had  
ment a  
their C  
ly conti  
up unde  
as utter  
trarily,  
else wo  
than to  
Laws a  
pressed  
their La  
founded  
The r  
before  
The C  
should i  
this doe  
God for  
this Cas  
and pati  
can't, w  
to. pag.  
The n  
fore the  
The Cl  
subsist for

If it shall please God any time to permit *Lawful Powers* to be against Us, and make them that hate us, to rule over us; We must follow the Example of our Blessed Master; and submit patiently to their *Authority*; and not, with the warm *Apostle St. Peter*, take the Sword against those, to whom God has committed the Power of the Sword. pag. 15, 16, 17, 18.

Wheresoever the Supreme Power is lodg'd, or in whomsoever it resides we are bound to pay either an Active or Passive Obedience to it; must either do what it requires, or suffer what it inflicts; This is without Controversie the standing *Doctrine of Christianity*, and has been confirmed by the *Practice of the best Christians* in all Ages of the Church.

The *Laws of the Nation* declare, " That by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together; in Parliament; or out of Parliament; Collectively, or Representatively; nor any Other Persons whatsoever; ever had, have, hath, or ought to have, any Coercive Power over the Persons of the Kings of this Realm.

*The Clerk read on by Direction of the Managers.*

Had that excellent Prince indeed never called his last Parliament at all, nor given any Opportunity to his People to redress their Grievances by the proper Methods of it: Had he not only continued to insist upon those Pretensions which some had set up under the Shelter of his Authority, but so far improved them as utterly to set aside the Laws of the Realm, and to act Arbitrarily, not only without Law but against it; And when nothing else would do, had he chosen rather to Desert the Government, than to Rule according to his own Oath, and the Fundamental Laws and Limitations of it; this might have warranted an Oppressed People to take the Sword for the necessary Defence of their Laws and Constitution, and their Religion and Liberties founded thereupon.

The next produc'd was the Bishop of *Exeter's* Sermon preach'd before her Majesty, on Her Majesty's Accession to the Throne.

*The Clerk read.*] Nay, tho' the Laws of our Earthly Governors should in some Instances be contrary to the Divine Laws, yet this does not void their Authority, they are the Ministers of God for all this; and there is a Duty lying on Subjects even in this Case, viz. not to oppose, nor resist the Power, but quietly and patiently to suffer the Penalty of those Laws, which they can't, without sinning against God, yield an active Obedience to. pag. 13, 14.

The next was the Bishop of *St. Asaph's* Sermon preach'd before the Lord Mayor on the 30th of *January*, 1699.

*The Clerk read.*] It is plain, that a Government can't possibly subsist for any time, where any kind of Violence is allow'd against

gainst the Magistrate. Government is at an end, where *Rulers* are expos'd to popular Assaults. [Pag. 18.]

Then a Sermon preach'd by the Bishop of *Carlisle*, before the Lords upon the 30th of *January*, 1762.

*The Clerk read.*] If we ungratefully alter our Notions of the Divine Right of Government, and throw off our Ancient and Primitive Rules of Obedience, we shall make an unworthy Return for the Mercies we have received. pag. 31.

Next were offer'd three Sermons preach'd before the House of Commons; one by Dr. *Eyre*, upon the 30th of *January*, 1767.

*The Clerk read.*] Let no Seditious and Antimonarchical Principles be so much as once named among us, let no sly insinuations of Male-Administration be suggested, no new Doctrines advanced, nor any old ones revived, whereby to lessen the Security of the Crown, under the specious Pretence of maintaining the Rights and Liberties of the People.

Then Dr. *Kenner*'s Sermon preach'd before the Commons the 30th of *January*, 1705.

*The Clerk read.*] This is the true Foundation of that common Axiom, *The King can do no wrong*, because there is no Right, nor Remedy against his Royal Person.

It was declarative of our Original Constitution, and our Legislature, upon occasion of this Day, would have it express'd, that by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament; nor the People Collectively, or Representatively, nor any other Persons whatsoever, ever had, have, or ought to have, any coercive Power over the Persons of the Kings of this Realm.

Next Dr. *Delaune*'s Sermon preach'd before the House of Commons upon the 30th of *January*, 1702.

*The Clerk read.*] If the Subject breaks his part of the Covenant (as I may call it) his Punishment is at Hand; and if the Supreme Power breaks his, his Punishment is no less certain, tho' more remote; for he is guilty before God, who is his Ruler, tho' it is impossible he should be accountable for it in his own Dominions, for that would infer a Power Superior to the Supreme, which is a flat Contradiction. pag. 10.

Then Mr. *Dodd* observ'd how generally that Point was laid down in all those Sermons without making any Exception, tho' he doubted not but there was an Exception included in every one; And desir'd that the same Exception might be allow'd to the Doctor, for if he had err'd, he could only be said, *Errare cum Patribus*.

Mr. *Phipps* added, They had so far made good their Defence, proving that to be the Doctrine of the Church of *England*; and preach'd in the same Terms in which the Doctor had preach'd it, ever since Her Majesty's Accession to the Throne, without any

any  
by b  
wou  
ral  
Th  
Und  
the  
in Pa  
ly on  
ever  
over  
Th  
2 Sta

Th  
not L  
gainst  
taking  
that ar

This  
the O  
Sir  
To v  
repeal  
taken b  
been th  
were r  
false.

And  
the Oar  
But tha  
Sworn to  
cers of

The no

The Cl  
That it is  
Arms aga  
sition, tha  
son, or ag  
such Milit

The no  
14 Car. 2.



any Objection made to it till then, and that it had been approv'd by both Houses of Parliament, and by Her Majesty. They would therefore proceed to shew that it was confirm'd by several Acts of Parliament; the first in the 12 Car. 2. c. 30.

*The Clerk read.*] And be it hereby declar'd, that by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People Collectively or Representatively, nor any other Persons whatsoever, ever had, have, hath, or ought to have, any coercive Power over the Persons of the Kings of this Realm.

The next was the Oath in the Corporation Act, 13 Car. 2 Stat. 2 §. 5.

*The Clerk read.*] *I A. B. do declare and believe, That it is not Lawful, upon any Pretence whatsoever, to take up Arms against the King; and that I do abhor that Traiterous Position of taking Arms by his Authority against his Person, or against those that are commissioned by him: So help me God.*

This Mr. Dodd said was a general Oath to be taken by all the Officers of Corporations.

*Sir Jo. Fekyll* objected, that the said Act was repeal'd.

To which Mr. Dodd answer'd, They had open'd that it was repeal'd, but had insisted, That as the said Oath had been taken by all Officers of Corporations so many Years, so it had been then a true Proposition, and still remain'd so, altho' it were repealed: That Repeal did not make the Proposition false.

And Mr. Phipps admitted, that in the Act for Abrogating the Oaths and appointing others, that Paragraph was omitted. But that they offer'd it to shew that the Doctrine had been Sworn to by most of the Great Men, and all the Great Officers of England, for so many Years together.

The next was the Oath in the Militia Act, 13 & 14 Car. 2.

*The Clerk read.*] Sect. 18. *I A. B. do declare and believe, That it is not Lawful, upon any Pretence whatsoever, to take up Arms against the King; And that I do abhor that Traiterous Position, that Arms may be taken by his Authority against his Person, or against those that are commission'd by him in pursuance of such Military Commissions: So help me God.*

The next was the Oath in the Act of Uniformity, 13 & 14 Car. 2. Cap. 4.

I A. B. do declare, That it is not Lawful, upon any Pretence whatsoever, to take Arms against the King; and that I do abhor that traiterous Position of taking Arms by his Authority against his Person; or against those that are commissioned by him; And that I will Conform to the Liturgy of the Church of England, as it is now by Law Establish'd. And I do declare, That I hold there lyes no Obligation upon me or any other Person, from the Oath commonly called the Solemn League and Covenant, to endeavour any Change or Alteration of Government either in Church or State; And that the same was in it self an unlawful Oath, and imposed upon the Subjects of this Realm, against the known Laws and Liberties of this Kingdom.

Mr. Phipps told their Lordships, That their Reason for reading that Oath was to let them see what Obligations had been on all Clergymen to Subscribe that Declaration, and then they submitted it to their Lordships Judgment, whether the Doctor were Criminal for Preaching that which all Parsons were, before that Act was repealed, obliged to Subscribe, in order to qualifie themselves for Preaching; and he beg'd leave just to observe, That by the 16 Car. 2. The Act for select Vestries, all Vestrymen were oblig'd to Subscribe the same Declaration.

Mr. Dodd said, he thought they needed not to read two other Acts, because they had been so lately made; the one being for the Association, the other for the Abjuration, which was taken almost every Day in *Westminster-Hall*.

Mr. Phipps added, That they should offer nothing more on that Article, but only some part of his late Majesty's Declaration, to shew there had been some Reason for what the Doctor said of his late Majesty's disclaiming all manner of Resistance.

But Sir Joseph Fekyll desir'd it might be read quite through.

The Clerk read.] *The Declaration of his Highness, William Henry, by the Grace of God, Prince of Orange, &c.*

The Purport whereof was, That when the Liberties and Religion of a Nation were in Danger, it behov'd those that were most immediatly concern'd to endeavour to preserve and maintain them, and therefore he could no longer forbear to declare, that the Kings evil Councillors had overturn'd the Laws of England, and were introducing an Arbitrary Government, by advancing the Kings *Dispensing Power*, and procuring the Judges to give their Opinions in behalf of it; by setting up the *Ecclesiastical Commission*, which had suspended the Bishop of London, and turn'd out the Fellows

of M  
Mona  
the r  
Milit  
ration  
the H  
jects  
prison  
cess  
of Wa  
over  
defend  
being  
and T  
of all  
their  
have  
the con  
such on  
nance  
Laws  
Englan  
and Sec  
Govern  
on the  
excepte  
Houses  
nour an  
danger  
vernmen  
Enquiry  
of all ch  
And  
Peace  
Parliam  
their Ey  
the Prote  
on for th  
the free  
under a J  
they had  
sion in A  
Forces un  
al Discip  
Countries  
by their  
admit of  
they had

of *Magdalen Colledge*; by Erecting Popish Chappels and Monasteries; by putting *Papists* and such as would consent to the repealing of the Penal Laws and Test into Civil and Military Employments; by seizing the Charters of Corporations; by putting the whole Government of *Ireland* into the Hands of *Papists*; by declaring in *Scotland* that all Subjects are bound to obey the King without Reserve, by Imprisoning the Bishops, &c. That both himself and the Princess his Consort, much doubting that the Pretended Prince of *Wales* was not born by the Queen had thought fit to go over into *England*, and to carry over with them a Force to defend them from the Violence of those Evil Councillors, being earnestly sollicitated thereto by many Lords Spiritual and Temporal, and by many Gentlemen and other Subjects of all Ranks. Therefore they thought fit to declare, That their Expedition was intended for no other Design, but to have a Free and Lawful Parliament assembled, both for the confirming and executing the Law concerning the *Test*, and such other Laws as were necessary for the Security and Maintenance of the *Protestant Religion*; as likewise for making such Laws as might establish a good Agreement between the *Church of England* and all *Protestant Dissenters*; as also for the covering and securing of all such who would live peaceably under the Government, as became good Subjects, from all Persecution upon the Account of their Religion, even *Papists* themselves not excepted; and for the doing of all other things, which the two Houses of Parliament should find necessary for the Peace, Honour and Safety of the Nation, so that there might be no more danger of the Nations falling at any time under *Arbitrary Government*. That they would also refer to the Parliament the Enquiry into the Birth of the Pretended Prince of *Wales*, and of all things relating to it, and to the Right of Succession.

And would concur in every thing that might procure the Peace and Happiness of the Nation, which a Free and Lawful Parliament should determine; since they had nothing before their Eyes in that their Undertaking, but the Preservation of the *Protestant Religion*, the Covering of all Men from Persecution for their Consciences, and the securing to the whole Nation the free Enjoyment of all their Laws, Rights and Liberties under a Just and Legal Government. For that was the Design they had proposed to themselves, in appearing upon that occasion in Arms: In the Conduct of which, They would keep the Forces under their Command, under all the Strictness of Martial Discipline; and take a special Care, that the People of the Countries, through which they were to March, should not suffer by their Means; and as soon as the State of the Nation would admit of it, they promis'd to send back all those Foreign Forces they had brought along with them. And therefore hop'd that

all



all People would judge rightly of them, and approve their Proceedings: And in the last Place invited and requir'd all Persons whatsoever, all the Peers of the Realm both Spiritual and Temporal, all Lords-Lieutenants, Deputy Lieutenants, and all Gentlemen, Citizens, and other Commons of all Ranks, to come and assist them, in order to the Execution of that their Design, against all such as should endeavour to Oppose them; that so they might prevent all those Miseries which must needs follow upon the Nations being kept under Arbitrary Government and Slavery: And that all the Violences and Disorders which had overturn'd the whole Constitution of the *English* Government, might be fully redressed in a *Free and Legal Parliament*.

And they likewise resolv'd, that as soon as the Nations were brought to a state of Quiet, Care should be taken that a Parliament should be call'd in *Scotland*, for restoring the Ancient Constitution of that Kingdom, and for bringing the Matters of Religion to such a Settlement, that the People might live easy and happy, and for putting an end to all the unjust Violences, that had been in a course of so many years committed there.

They would also study to bring the Kingdom of *Ireland*, to such a state, that the Settlement there might be religiously observ'd; and that the Protestant and *Brittish* Interest there, might be secur'd. And would endeavour by all possible Means, to procure such an Establishment in all the Three Kingdoms, that they might all Live in a happy Union and Correspondence together; and that the Protestant Religion, and the Peace, Honour and Happiness of those Nations, might be Establish'd upon a lasting Foundation.

*Then was read the Additional Declaration.*

That after they had Prepared and Printed their Declaration, they had understood, that the Subverters of the Religion and Laws of those Kingdoms, hearing of their Preparations, to Assist the People against them, had begun to Retract some of the Arbitrary and Despotick Powers that they had assumed, and to Vacuate some of their Injust Judgments and Decrees. The Sense of their Guilt, and the Distrust of their Force, having induced them to offer to the City of *London* some seeming Relief from their great Oppressions; hoping thereby to Quiet the People, and to Divert them from demanding Re-establishment of their Religion and Laws under the Shelter of their Arms: They also gave out, That their Highnesses did intend to Conquer and Enslave the Nation; and therefore they had thought fit to add to their Declaration.

That they were confident, that no Persons could have such hard Thoughts of them, as to imagine they had any other

othe  
tlem  
pert  
migh  
Mile  
them  
of C  
Inter  
lity  
state  
the  
being  
Crow  
on, a  
them  
not  
them  
could  
their  
They  
there  
made  
past,  
drefs  
lation  
f-siv  
nothin  
reserv  
Preter  
been t  
sion of  
no Re  
ration  
not by  
their  
Highn  
to a fr  
The  
bly off  
in the  
claim'd  
That i  
with a  
Counse  
they si  
prehen  
Charge

other Design in that Undertaking than to procure a Settlement of the Religion, and of the Liberties and Properties of the Subjects, upon so sure a Foundation, that there might be no danger of the Nations relapsing into the like Miseries at any time. And as the Forces they brought with them were utterly disproportioned to that wicked Design of Conquering the Nation, if they had been capable of Intending it; so the great Numbers of the principal Nobility and Gentry, that were Men of Eminent Quality and Estates, and Persons of known Integrity and Zeal both for the Religion and Government of *England*, many of them being also distinguished by their constant Fidelity to the Crown, who did both accompany them in that Expedition, and had earnestly solicited them to it, would cover them from all such malicious Insinuations: For it was not to be imagined, that either those who had Invited them, or those that were already come to Assist them, could join in a wicked Attempt of Conquest, to make void their own lawful Titles to their Honours, Estates and Interests. They were also confident, that all Men saw how little Weight there was to be laid on all Promises and Engagements then made; since there had been so little regard had in the Time past, to the most solemn Promises. And as that imperfect Redress that was then offered, was a plain Confession of those Violations of the Government that had been set forth; so the Deffectiveness of it was no less apparent: Because they laid down nothing which they might not take up at Pleasure; and they reserv'd entire, and not so much as mentioned, their Claims and Pretences to an Arbitrary and Despotick Power; which had been the Root of all their Oppression, and of the total Subversion of the Government. And it was plain, that there could be no Redress, no Remedy offer'd but in Parliament; by a Declaration of the Rights of the Subjects that had been invaded, and not by any pretended Acts of Grace, to which the Extremity of their Affairs had driven them. Therefore it was that their Highnesses thought fit to declare, That they would refer all to a free Assembly of the Nation, in a Lawful Parliament.

Then *Mr. Phipps* told the Lords, The Reason why they humbly offer'd that Declaration, was with relation to that Passage in the Sermon, which said that the Prince of *Orange* had disclaim'd all manner of Resistance. Whereupon they observ'd, That it did not appear that he came over with an Army with any other Intent than to defend himself against evil Counsellors: And if the Doctor had made a wrong Inference, they submitted it to their Lordships, whether such a Misapprehension of his Highness's Meaning should subject him to a Charge of High Crimes and Misdemeanors.

*Mr.*

*Mr. Dodd* added, That they had finish'd what they had to offer on that Article, and submitted it to their Lordships whether they had not made good their Defence; and were ready to go on to the Second Article, if it were their Lordships Pleasure.

*Then the Lords adjourn'd to their own House.*

*Monday*

MA

Sir

th

L

A

G

D

Mr.

Speec

secon

That

warr

tion

Passo

A

as a

be fo

(wh

ters

How

Toler

ceed

Nam

Rest

exem

some

no v

gran

this

Care

on,

him

Ser

that

I an

do I

the

joy i

a D

as c

toon

here



MARCH 6th, being the Seventh Day of the Tryal.

Sir Simon Harcourt, having been return'd Member of the Honourable House of Commons for Cardigan, Dr. Sacheverell was thereby deprived of his further Assistance: So that on the 6th of March, the other Gentlemen that were his Counsel, spoke only in his Defence.

Mr. Dodd's **M**R. Dodd began first, and begg'd the Favour Speech. that they might enter upon it, as to the second Article, which was divided into three Heads: 1. That the Toleration is unreasonable, and the Allowance of it unwarrantable. 2. That he is a False Brother, who defends Toleration and Liberty of Conscience. 3. That it is the Duty of the chief Pastors to thunder out Anathema's, &c.

As to the first Head, he said, That there is no such thing as a **Toleration** granted by Law; the Word not being to be found in the Act of Parliament; that there is an Act (which they suppose is intended) to exempt Protestant Dissenters from the Penalties of certain Laws therein mentioned: However in this Debate, they should take Notice of it as a **Toleration**, altho' they thought, when there is a Legal Proceeding, the Act should have been called by its own proper Name: He urg'd, That this Act of Parliament hath several Restrictions and Limitations in it, and (amongst others) not to exempt any Persons from the Penalties, that do not frequent some Religious Assembly thereby allowed; that the Doctor no where finds Fault with a **Legal Toleration**, or a **Toleration** granted by Law; within the Description and Meaning of this Act of Parliament. But on the Contrary had taken such Care, least any Expression should undergo a wrong Construction, as if he were uneasy at the Toleration, that he Explain'd himself very particularly about it, in these Words out of the Sermon; Pray do not misunderstand me, as if I reflected upon that Indulgence the Government has given the Dissenters, which I am sure all Well-wishers to our Church are ready to grant; nor do I intend to cast the least Reflection on that Indulgence, which the Law has given to Consciences truly Scrupulous; let them enjoy it in the full Limits the Law has prescribed. That after such a Declaration, so plain a Confession, in Words as significant as can be to shew his Meaning, they hoped there was no room to tax him with this Part of the Article by any incoherent Words, or Inferences, when it was directly contrary

to what he had in Words at length express'd. That this being considered, they thought it was too hard to draw Inferences, and Consequences, that the Doctor was against the Toleration allowed by Law; that it was not to be done with Candour, by any one that reads the Sermon without Prejudice, and considers the Care he takes to avoid giving any Offence in this Case. That as to the second Part of this Article, they thought it might receive the same Answer; *That he is a False Brother who Defends Toleration and Liberty of Conscience.* That the Doctor does not say they are False Brethren that Defend a Legal Toleration; but the Persons intended, are those that Defend an unlawful Toleration, and not a Legal Exemption, which Legal Exemption the Doctor admits to be good and just. in the Passage before repeated. That they apprehended the Doctor meant those are False Brethren, and blameable, that Excuse the Separation from the Church, not on account of the Toleration, but by laying the Faults on the true Sons of the Church, for carrying Matters too high; these are the People, the False Brethren, that cry out against the Church upon all Occasions. That as the Doctor's Expressions about Arch-Bishop Grindall, the Doctor thought he had good Grounds for them; but at least they were but unwary Expressions, and not Criminal. That the Toleration he mention'd Arch-Bishop Grindall to be blamed for, was quite another Thing from the present Indulgence now granted; that the first was by Queen Elizabeth alone, or by the Arch-Bishop's Authority under her, and without the Parliament; the Dissenters being then few, and it had been no great Difficulty to have prevented that Schism at the beginning; but that now the Dissenters are a considerable Part of the Nation, have great Riches, and Properties amongst us, and it became the Wisdom of the Legislature, to give them an Indulgence according to the Restrictions in the Act of Parliament: But that this was a different Case, and by a different Authority, from what was in Arch-Bishop Grindall's time; that the Story of that Arch-Bishop, as related by one of the Gentlemen Managers, did indeed acquit the Arch-Bishop, but how far it clear'd Queen Elizabeth, they must leave to your Lordships; for should a great Favourite attempt to procure a Grant of the Arch-Bishop's Palace, or a chief Revenue of that See, or Church, and that the Arch-Bishop's opposing the Favourite herein (as was by the Gentleman suggested) should be the Reason of his Disgrace; or if the Arch-Bishop did Prosecute or Punish a Man in the Spiritual Court, for having two Wives at the same time; (which Prosecution or Punishment was highly commendable in the Arch-Bishop, and was his Duty to do) it would be hard to think, that Queen Elizabeth should Suspend him from the Arch-Bishop-  
risk

rick for such a Proceeding, for thus discharging his Duty, therefore they could not give Credit to that History as it was related; but they should shew their Lordships, from the Arch-Bishop's Letter to the Council, and Letters from *Beza* and *Calvin* at that time, that it was his Indulgence to the Dissenters, that drew the Anger of Queen *Elizabeth* on him. That they apprehended the Fault the Doctor finds in his Sermon is against an Universal general Toleration that tends to a Dissolution of all Things; and such a Toleration, would make Religion like that of the *Samaritans*, a mixture of all sorts, that was odious to the World, and an Abomination to the *Jews*; and such a Toleration the Doctor had great Reason to find Fault with. For such Toleration was not to be defended, nor would be of any Service to either Church or State: That this is the Toleration which they thought the Doctor intended, and not against a Legal or particular Exemption, which the Wisdom of the Nation had thought fit to give. That indeed the Doctor thought that Occasional Conformists do attempt to hoist the Toleration into an Establishment, and come into the Communion of the Church to serve a particular Purpose; which opinion, whether true or false, could not be Criminal. That to speak against a Law, or to break a Law, is not to be justified: Nor had he spoke against this Law; but if he had, surely he had been Punishable in the ordinary Methods of Justice, and not in a Proceeding of this Nature. That as to that Part of the Charge about thundering out *Anathema's*, the Discourse is general, and not determin'd to any Persons, not pointed at the Dissenters, but properly intended against Irreligion; and the Sentence that *he dáres any Power on Earth to reverse*, is such, and such only, as is ratified in Heaven. That the Doctor believes some Sentences of the Church to be ratified in Heaven; and if that Sentence which is pronounced here on Earth, be ratified in Heaven, it is, beyond all Dispute, out of the Power of Man to reverse it. That he supposes some Persons exempt from Punishment by particular Laws, may yet, by the Law of Christ, be liable to such a Sentence: But from hence, or his Answer to the Articles, to draw a Conclusion, That he Asserts the State had not Power to reverse the Sentence of the Spiritual Court, (of which there can be no doubt, but that the Legislature has such a Power) or that the Legislature is guilty of Blasphemy, (as had been objected by one of the Managers) was neither true Reason nor Logick. That it would not be disputed, that Schism is a Sin punishable by the Laws of the Church, if it be a Separation without a just Cause; and how far this was such a Separation, or that the Act of Parliament had taken away this Schism, this Sin, they submitted to their Lordships.



Mr. Phipps's **M**R. Phipps spoke next, and began with that Speech. Part of the Second Article which says, *That the Doctor does Suggest and Maintain, that the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable*: That he conceived there is nothing in the Doctor's Sermon can warrant that Charge. That the *Toleration Act* is not what the Doctor finds Fault with, but the Persons that Abuse it; which ill Use is *unreasonable* and *unwarrantable*. But, that the Doctor asserts the *Toleration* it self to be *unreasonable*, or the Allowance of it *unwarrantable*, would appear to be a great Mistake, when the Paragraphs in the Sermon, upon which this Article was founded, were consider'd. That the first Passage was in Page the 8th, where the Doctor says thus: *If upon all Occasions to comply with the Dissenters, both in publick and private Affairs, as Persons of tender Consciences and Piety, to promote their Interest in Elections, to sneak to them for Places and Preferment, to defend Toleration and Liberty of Conscience, and under the Pretence of Moderation, to excuse their Separation, and lay the Fault upon the true Sons of the Church for carrying Matters too high, &c.* That these are some of the Characters which the Doctor gives of False Brethren: But, (added Mr. Phipps) is there any thing in this Passage that avers *Toleration* to be *unreasonable*, or the Allowance of it *unwarrantable*? That Page the 10th, the Doctor hath these Words, which were urged to Prove this Article: *Our Constitution, both in Church and State, has been so admirably contrived, with that Wisdom, Weight and Sagacity, and the Temper and Genius of each, so exactly Suited and Modell'd, to the mutual Support and Assistance of one another, that 'tis hard to say, whether the Doctrines of the Church of England contribute more to Authorize and Enforce our Civil Laws, or our Laws to Maintain and Defend the Doctrines of our Church. The Natures of both are so nicely Correspondent, and so happily intermixt, that 'tis almost impossible to offer a Violation to the one, without breaking in upon the Body of the other. So that in all those Cases before mentioned, whosoever Presumes to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be Arraign'd as a Traytor to the State; Hetrodoxy in the Doctrines of the one, naturally producing, and almost necessarily infering Rebellion and High Treason in the other, and consequently a Crime that concerns the Civil Magistrate as much to punish and restrain as the Ecclesiastical.* Can this (said Mr. Phipps) be meant of the *Toleration*? Is the *Toleration* so much—as mentioned here? Does he not here speak against such as innovate, alter or misrepresent the Articles of our Faith? Is there any Innovation, Alteration, or Misrepresentation of any Article of our Faith by the Protestant Dissenters? The Dissenters do not differ from us in Matters of Faith, but in Matters of Form and Ceremony:

Ceremony; if they differed from us in Matters of Faith, they  
 would be Hereticks, and Heresie was never intended to be  
 Tolerated by the Act of Indulgence: And therefore what the  
 Doctor says in this Paragraph, can never be taken to be a  
 Reflection on the Toleration. That he should next offer to  
 their Lordships Consideration another Clause, which was  
 cited by the Gentlemen of the House of Commons to support  
 this Article, which is pag. 14. where 'tis said, *These false Bre-*  
*thren in our Government, do not singly, and in private, spread*  
*their Poyson, but (what is lamentable to be spoken) are suffer'd to*  
*combine into Bodies, and Seminaries, wherein Atheism, Deism,*  
*Tritheism, Socinianism, with all the Hellish Principles of Fanati-*  
*cism, Regicide and Anarchy, are openly Profess'd and Taught, to*  
*Corrupt and Debauch the Youth of the Nation, in all parts of it,*  
*down to Posterity, to the present Reproach, and future Extirpa-*  
*tion of our Laws, and Religion.* Certainly the Toleration was  
 never intended to indulge, and Cherish such Monsters, and Vipers,  
 in our Bosom, that scatter their Pestilence at Noon day, and will  
 Rend, Distract, and Confound, the firmest and best settled Consti-  
 tution in the World. That there is nothing in this Clause  
 that can maintain this Article; and that the Doctor was  
 well warranted in saying that, because those enormous  
 Crimes are particularly excepted in the Act of Toleration,  
 and for this they refer to the Act it self. That the next  
 Clause that was urg'd to maintain this Article is in the 16th  
 Page, where the Doctor speaks in these Words. *But since this*  
*Model of an Universal Liberty and Coalition fail'd, and these*  
*false Brethren could not carry the Conventicle into the Church,*  
*they are now resolv'd to bring the Church into the Conventicle,*  
*which will more plausibly and slyly Eff. & her Ruin: What could*  
*not be gain'd by Comprehension, and Toleration, must be brought*  
*about by Moderation, and Occasional Conformity; that is, what*  
*they could not do by open Violence, they will not fail by secret*  
*Treachery to accomplish. If the Church can't be pull'd down, it*  
*may be blown up; and no matter with these Men how 'tis De-*  
*stroy'd, so that it is Destroy'd.* That this did not suggest the  
 Toleration to be Unreasonable, or the Allowance of it Un-  
 warrantable: That it rather excused it from having hurt the  
 Church: For he says, *What could not be gain'd by Toleration,*  
*must be brought about by Moderation, and Occasional Conformity;*  
 so that the Injury which is done to the Church is ascribed  
 by him to some other Cause. That thus their Lordships might  
 observe there was not any Passage in the Doctor's Sermon,  
 whereby he Suggests, that the Toleration granted by Law is  
 Unreasonable, or the Allowance of it Unwarrantable, and  
 consequently no Foundation for this Article, unless it was to  
 be supported by Inferences contrary to the Doctor's express  
 Words; for the Doctor in his Sermon, pag. 20. says, *I would*

not here be understood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give them, which I am sure all those that wish well to our Church are very ready to grant to Consciences truly scrupulous; let them enjoy it in the full Limits the Law has prescrib'd: By which 'twas evident, he allow'd the Indulgence given by the Act to Dissenters, and was very far from suggesting, that it is unreasonable, or the Allowance of it unwarrantable. That he wished with all his Heart they may enjoy it in the full Limits of the Law: And therefore if there be any other Expressions concerning Toleration which may seem to carry a dubious Sense, 'twas conceiv'd they ought not to be apply'd to the Exemption granted by Law, but would be so Interpreted as might consist with his avowed Approbation of that Law. That in all Writings such Exposition is to be made, that one part may not contradict or be inconsistent with the other: But to strain the Sense of any ambiguous Clause, and to put such a Construction upon it as to make it contradict a plain and positive Assertion in the same Writing, was never allow'd, and he was sure would not be permitted by their Lordships, who had shew'd such a just Abhorrence of strain'd and Foreign Insinuations and *Innuendo's*.

That by condemning such as defend Toleration, 'tis evident, the Doctor meant such as maintain, that the Act of Indulgence is a Justification of their Separation, and excuseth them from the Sin of Schism; For the Defence of Toleration, and Excuse of Separation, are mentioned in one and the same Clause of the Sentence, and in one and the same Branch of their Character of false Brethren. So that the True and Genuine Sense of what he had said in his Sermon concerning Toleration was. 1. That he intirely approved of the Exemption, by the Act of Indulgence of Protestant Dissenters from the several Penalties inflicted by the several Statutes for their Non-conformity. 2. That tho' they are exempt from the Penalties, yet that does not excuse their Separation from the Sin of Schism in *foro Conscientia*; that the Doctor was not alone in this Notion, but was justified in it by the Opinion of many Learned Men, who had writ on that Subject; which was the concurrent Opinion of the greatest part, if not all the Learned Men of our Church at this Day. That since the Act of Uniformity was in force, and was not repeal'd or enervated by the Act of Indulgence, since the Doctrine and Worship of the Church of England was the Establish'd Religion of this Kingdom, 'twas humbly submitted, whether a Separation from the Church, since the Act of Indulgence, was not as much a Schism in *foro Conscientia*, as it was before? That supposing that Separation from the Church by Dissenters, since the Act of Indulgence, should not be thought a Schism, yet the Doctor having the Opini-

on



on of so many Learned Men of his side, his Assertion could not be said to be Wicked, Malicious and Seditious, nor to be so high a Crime and Misdemeanour, as to be the subject Matter of an Impeachment. That the Passages in the Doctor's Sermon, which were supposed to condemn the Toleration, or to reflect on the Dissenters, were open to another plain and natural Construction. For since he positively, and in express Terms, allow'd Liberty of Conscience to Consciences truly scrupulous, and which are intituled to the Benefit of the Act: Where he condemns or speaks against Toleration, it must be intended as to such Dissenters who are not Intituled to the Benefit of the Act, but are excepted out of it; And those are such as by Printing or Writing deny the Trinity, such as do not come to some Assembly of Religious Worship allowed by that Act; and no Assembly of Religious Worship is allow'd by that Act till the Place of meeting be certified to the Bishop, Arch-Deacon, or Justices at the Quarter-Sessions, and Recorded, and a Certificate thereof given: That Multitudes frequent religious Assemblies which are not allowed by that Act. That few religious Assemblies are qualified according to the Act. That vast Numbers go to no religious Worship at all. That many deny the Second Person of the Trinity, was too too evident: And against every one of these, all the Laws for frequenting Divine Service on the Lord's-Day were still in Force by the express Words of that Act. That therefore all those who defend a general Toleration, who maintain that the Act extends to all such Dissenters, are justly Censur'd by the Doctor; and all the Expressions in his Sermon against Toleration must be intended against those excepted in the Act, since he so expressly approves the Indulgence allow'd to those that conform to the Terms prescribed by the Act.

That, As to that Branch of this Second Article which charges the Doctor with Asserting, *That Queen Elizabeth was deluded by Arch-Bishop Grindall to the Toleration of the Genevian Discipline*; whether he was warranted in this Assertion, was humbly submitted to your Lordships, when 'twas consider'd, That Arch-Bishop was once in the highest Esteem with the Queen, She made him Bishop of *Loudou*, then Arch-Bishop of *York*, and afterwards promoted him to the See of *Canterbury*; and that after this he was in Disgrace, and died in Her Majesty's Displeasure, could not be deny'd. That the Reason assign'd for his Disgrace was, That he was a great Encourager of unlawful Conventicles, or Prophesyings, as they were then call'd; but whether that Charge against him was true, or whether it was only a false Suggestion of the Earl of *Leicester*, to remove him from the Queen's Favour, Mr. *Phipps* would not presume to determine. That the

Learned Manager who spoke first to this Article, was pleased to acquit the Arch-Bishop, and lay the Fault upon the Queen; tho', whoever reads *Calvin's* and *Beza's* Letters to him when Bishop of London, Queen *Elizabeth's* Letter to the Bishops, dated the 3d of May, 1577, and the Arch-Bishop's own Letter to the Lords of the Council the 25th of November, 1577, will be fully satisfied that he was not Innocent; for he confesses he was commanded by the Queen and Council to suppress the Prophecysings, and that he refused and could not comply with that Command; and acknowledged it to be an Act of great Clemency in Her Majesty, that She carried Her Resentment no higher. So, that pious good Queen is entirely acquitted by the Arch-Bishop himself. That all Historians admit, that in his Time the Puritans were very numerous, and their Party very strong; and it is evident they grew so dangerous, that the Statute of the 35th of *Elizabeth* was made to suppress their Conventicles, and compel them to come to Church. That at his Death the Affairs of the Church were in so great a Confusion, that his Successor, Arch Bishop *Whitgift*, was put to great Trouble to check that growing Faction, and reduce Things into good Order again: If therefore the Doctor was of Opinion the Puritans receiv'd too great Encouragement by the Countenance of that great Man, and if it was his Zeal for the Church, and the Resentment he had that it should receive any Prejudice by the Countenance of one at the Head of it, that provoked him to use a harsh Expression of that Arch-Bishop, 'twas humbly to be hop'd that was not a sufficient Ground for an Impeachment of High Crimes and Misdemeanors. That the Gentleman that spoke first to this Article, was pleas'd to admit that what the Doctor said in relation to the Arch-Bishop, was not an Offence, as it was a Reflection on that Arch-Bishop: But that using such Expressions of the Arch-Bishop for his Moderation to the *Puritans*, was a Reflection on the late Act of Toleration granted to Protestant Dissenters; and that calling the Prosecutions against the Prophecysings in Queen *Elizabeth's* Time, *Wholesome Severities*, was an Encouragement to use such Severities against the Protestant Dissenters now. Can, (said Mr. *Phipps*,) what was done in Queen *Elizabeth's* Time reflect on the Toleration? Can calling the Prosecutions by Queen *Elizabeth*, against such as frequented Conventicles against the Law, and for which there was no Toleration, *Wholesome Severities*, reflect on this Toleration granted by Law? Or can it encourage a Prosecution against the Dissenters, who are intitled to the Benefit of the Toleration, and are Exempt from the Penalties of the Laws? He urged, That the only thing that could be inferr'd from what the Doctor says, in relation to the *Wholesome Severities* was,

That

That he intended to excite the Magistrates to put the Laws in Execution against such Dissenters as were excepted out of the Act of Toleration; and Mr. Phipps was at a Loss to find how that could make him an Offender: For surely the Parliament never intended that any Person should have the Benefit of the Act of Toleration, that did not comply with the Terms and Conditions of it: And therefore when the Doctor presseth the Execution of the Laws against such as are not entitled to the Benefit of the Act, he seem'd rather to Vindicate than Reflect upon the Toleration. That great Offence had been taken at the Words *Wholesome Severities* in the Doctor's Sermon; yet, Mr. Phipps could not think the Word *Wholesome* an improper Epithet for the Severities used by Queen Elizabeth against the Puritans; for Faction was then in its Infancy, Schism did but just begin to disturb the Church; and by the Severities of the Laws that were put in Execution, and the Courage, Learning, and Prudence of Arch-Bishop Whitgift, a Stop was put to them. That, such Severities as suppress'd these bold and daring Crimes in their Infancy, might be called *Wholesome* without a *Catachresis*; and could never be construed to be a Suggestion, that the Toleration now granted by Law is *unreasonable*, or the Allowance of it *unwarrantable*.

That as to that part of the Second Article, which chargeth the Doctor with maintaining, *That it is the Duty of Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons intituled to the benefit of the Toleration*: The Doctor apprehended there was nothing in his Sermon could be a just Foundation for that Charge. That the Sermon hath this Sentence, Page 25. *Let our Superior Pastors do their Duty, in thundering out their Ecclesiastical Anathema's; and let any Power on Earth dare reverse a Sentence ratified in Heaven.* That this is an intire and independant Sentence, that doth not relate to any particular Person, or any particular Crimes, and does not mention the Persons intituled to the benefit of the Toleration: Nor could it be imagin'd that he should desire *Anathema's* to be thunder'd out against such Persons, who he wished might enjoy the Toleration in the full Limits the Law had prescrib'd; but the *Anathema's* must be intended to be against the works of Darkeness, Atheism, Prophaneness, Faction, and other enormous Crimes which were mention'd in the preceding part of his Sermon, since it was not apply'd by him to any particular Sins or Offences. That the thundering *Anathema's* is declaring those Judgments which are denounced in Scripture against Sin. And the Doctor desired the Superior Pastors of the Church to thunder out these *Anathema's*, because the greater the Authority is of the Person that declares these Judgments, the greater Influence they are



are like to have upon the Persons guilty of such Sins. But if he had desir'd *Anathema's*, or *Excommunications*, (as they would infer) should be Thunder'd out against Dissenters, yet it must be intended only against such as were not intitled to the benefit of the Toleration; and since the Act of Indulgence left such Persons open to the Laws, it could not be a Crime in the Doctor to press the Execution of the Laws against them. For not to accept of the Toleration on the Terms offer'd by the Act, was what the Doctor calls *hoisting the Toleration into an Establishment*, in despite of the Act, and setting up a Toleration of their own in Defiance of it.

That as to the last part of the Second Article, which Charges, that the Doctor *insolently dares and defies any Power on Earth to reverse such Sentences*, which Sentences were there insinuated to be the Sentences, or *Anathema's*, given and thundered out by Superior Pastors; there were no such Words in the Doctor's Sermon: For, the Doctor's Words were, *Let any Power on Earth dare reverse a Sentence Ratified in Heaven*: So that the bare Recital of the Doctor's Expression was a sufficient Confutation of that part of the Article. For if the Judgments, or *Anathema's*, denounc'd by Superior Pastors against Sin were such as are Denounc'd against such Sins in Scripture, such Sentences might truly be said to be ratified in Heaven: And if so, then no one could dare to think, that such Sentences, so ratified in Heaven, can be revers'd by all the Powers on Earth united together. And therefore, the Doctor hoped it would not be thought Insolence, or a High Crime or Misdemeanor in him, to Assert what he conceiv'd would be Blasphemy in any one to deny.

Mr. Dee's **M**R. Dee begg'd next the Favour of a few Words *Speech*. On this Article, which he said was divided into three Parts: The first was, That the Doctor reflected on the Toleration as it is Establish'd by Law. He took Notice, that on considering the whole Sermon, there were two distinct Tolerations mentioned in it; a *Toleration* that is Legal, (for so Mr. Dee call'd the Act of Indulgence) and a Toleration that is general; and they thought that Distinction, well observed, would clear the Doctor of any Crime in this particular. That where he reflects on Toleration, it is not the *Legal Toleration*, but the general; and if it would bear this Construction, their Lordships would not put the other upon it; for where he had taken Notice of a Legal Toleration, (which he hath done only in one place of his Sermon) he was for extending it to the utmost Bounds; his Words being these, *I would not be here misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government hath condescended to give them, which I am sure all those that wish well*

to our Church are very ready to grant to Consciences truly Scrupulous; let them enjoy it in the full Limits the Law hath prescribed. But, where he spoke against Toleration, 'twas a Toleration of such enormous Crimes, as were not fit to be tolerated in any Christian Nation.

That as to the Second Part of the Article, for reflecting on Arch-Bishop Grindall, and thereby reflecting on the Toleration, it was given up on the other Side; and admitted, that, whether True or False, it was not Material, and then that would hardly amount to a Crime. But that they should be so far from giving up that Point, that they should shew he was False to the Church at that Time; and it was a Crime in him to give up the Discipline of the Church. That no Laws were then made to Indulge any Separation: And for the Head of the Church, under the Queen, to give up the Discipline of the Church, was an high Crime in him; and tho' it might be thought harsh, would bear the true Term of a False Brother.

That as to the Third Part of the Article, the thundering out *Anathema's*, Mr. Dee begg'd leave to read that part of the Doctor's Sermon, which, he hoped should not be applied to those that are within the Legal Toleration: *Schism and Faction are Things of impudent and incroaching Natures, they thrive upon Concessions, take Permission for Power, and advance a Toleration immediately into an Establishment*: (He hoped the Dissenters would not take these Characters on themselves:) *And are therefore to be treated like growing Mischiefs, or infectious Plagues, &c.* Presently after follows, *Let our Superior Pastors do their Duty, in thundering out their Ecclesiastical Anathema's; and let any Power on Earth dare reverse a Sentence ratified in Heaven.* That this was only Advice, and altho' the Doctor might be accounted pretty Pert, to give Advice to his Superior Pastors, that they ought to thunder out *Anathema's*; yet this could not be Construed to extend to them that are described in the Act of Toleration, those that could not Conform to some Ceremonials by reason of Scrupulous Consciences, these could not be called *Factionous*, but was meant of other People described in the Sermon. But if the Doctor had advised to thunder out *Anathema's* against Dissenters; (supposing, but not granting it) the Question would come to this Point, Whether he was deceived in Point of Judgment or no: For, if they were Schismatics before, the Schism remains the same, notwithstanding the Toleration; and if it was Sin before the Act of Toleration, it is so still, notwithstanding the Act; and then his Advice to the Superior Pastors, is to do that which is, (with Submission) their Duty to do, 'till prohibited by the Temporal Courts. That he should mention one Case, that would shew you, that it is  
still

will Schism to separate from the Church, and that it is the Duty of Dissenters to Communicate with the Church : Which was the Case of one Mr. *Larwood* : In *Hilary Term*, *sixto* of King *William*. An Information was exhibited against him, for refusing to take upon him the Office of Sheriff of the City of *Norwich* ; he Pleaded he had not taken the Sacrament in twelve Months ; the Attorney replied, that he ought to have done it. He rejoind'd, that he was a Protestant Dissenter, and was excused by the Act for Toleration. There were two Points in the Case ; the first was, whether it appeared by the Information that the Defendant was duly Elected ; the other, whether the Plea in Bar was good, (for the whole Court held that the Rejoinder was a departure from the Bar, and that the Replication was insufficient ;) so that Judgment was to be given upon the Information, and the Plea in Bar. *Samuel Eyre*, Justice, was of Opinion with the Defendant as to both Points ; my Lord Chief Justice *Holt*, and Mr. Justice *Giles Eyre*, were of Opinion against him as to both Points, and held the Bar to be insufficient, because it was only excusing of one Fault by another, which no Man shall be admitted to do ; and they held, that the Duty of Communicating with the Church remained notwithstanding the Act of Toleration : And so Mr. *Dee* submitted it to their Lordships Consideration, whether it be a Duty to Communicate with the Church of *England*, it be not Schism to separate from it.

Dr. Henchman's  
Speech.

**D**R. Henchman spoke next in the Doctor's Behalf, against the Charge contain'd in the second Article of Impeachment, in the two first Clauses of which he is said To suggest and maintain, *That the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable : And to assert, That he is a False Brother, with Relation to God, Religion, and the Church, who defends Toleration and Liberty of Conscience.* He urg'd, that it had not been said by any of the Learned Managers on this Head, that either of these two Branches of this Article were expressly deliver'd in any part of the Sermon preach'd at *St. Paul's* ; but what was no where affirm'd, was said to be suggested ; and that this Charge was maintain'd by Inferences only, because there was no plain positive Proposition that it could be supported by. That 'twas humbly hop'd, That if an Inference might be allow'd as Proof to accuse him, an open Declaration would be heard in his Defence : That if what another Man makes him say, be thought Ground enough for an Accusation, then certainly what he himself openly declar'd would be esteem'd something more than a dry Caution, and have its due Weight with their Lordships in his Vindication.



cation. That therefore he begg'd Leave to read a passage where he explain'd himself, and plainly declar'd what his Thoughts were concerning the Indulgence granted by Law : That this Passage was in the twentieth Page, where speaking of some wholesome Severities us'd in former Reigns, he adds, *I would not here be misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give them, which I am sure all those that wish well to our Church are very ready to grant to Consciences truly scrupulous ; let 'em enjoy it in the full Limits the Law has prescrib'd.*

That these Words were plain and exprefs, and not capable of being misconstrued or misunderstood. That whether those Learned Gentlemen, who had applied some Parts of this Sermon to Purposes directly opposite to this plain Declaration, had misunderstood or misconstrued those Passages, must be submitted to their Lordship's Judgment ; but it seem'd hardly reconcileable that the same Person in the same Discourse should declare, *That all who wish well to the Church are ready to grant Indulgence to Consciences truly scrupulous*, and at the same time maintain, *That such Toleration is unreasonable, and the Allowance of it unwarrantable* ; that he should desire it may be enjoy'd in it's full Latitude, and yet assert that he is a False Brother that defends it. That this seeming Difficulty would be easily reconcil'd, by considering who those Persons are who are design'd to be eas'd by the Act of Exemption, and who the *False Brethren* are, describ'd by Doctor Sacheverell in this Sermon. That that Act, in the Preamble, is said to be intended, First, *For the Ease of scrupulous Consciences* ; one Sett of the *False Brethren*, mention'd in the Sermon, are *Men of no Conscience at all* ; whether *Dissenters*, or such as profess themselves with Zeal to be of the Establish'd Church, but yet break her Communion by not obeying her Precepts. Secondly, That Act was intended for such only as qualifie themselves, according to the Directions laid down in that Act ; the *False Brethren* which the Doctor every where speaks of are such, and such only, as neither qualifie themselves according to that Act, nor think themselves subject to the Penalties of former Acts. Thirdly, This Act was intended in favour of such as either subscribe the Articles of Religion, excepting only the thirty fourth, thirty fifth and thirty sixth, some part of the twentieth, and that part of the twenty seventh which relates to Infant-Baptism ; or else for such as subscribe a Profession of their Christian Belief in these Words ; *I profess Faith in God the Father, and in Jesus Christ his Eternal Son the true God, and in the Holy Spirit, one God blessed for evermore ; and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.*

That on the other hand, the False Brethren describ'd by Doctor Sacheverell, are, *Atheists, Deists, Tritheists, Socinians, Revilers of the Holy Scripture*, and such like. Are not Men of these Opinions (added Dr. Henschman) *False Brethren* with Relation to God and Religion? Or shall such Men be suffer'd to cover themselves under the Protection of an Act of Parliament, design'd only for the Ease of scrupulous Consciences? That there are Men among us of these Principles will be but too visible, from a Passage or two, which I beg leave to lay before your Lordships from Books lately Published. The first which I shall mention is Intituled, *A brief but clear Confutation of the Trinity*: If the Title it self has not given too much Offence to your Lordships, I shall proceed to look into the Book it self; and in the ninth Page there is this Proposition laid down, *The Divinity attributed to the Son and Holy Ghost is Unscriptural and Idolatrous*; and in Page the tenth he goes on in these Words, *This one Fundamental False Principle, as well with Jews and Turks, as Heathens, has done more Mischief to Christianity than all other Errors besides*. That there were such bare-fac'd Blasphemies as must make every Man's Ears tingle that hears them; and the Respect which was due to their Lordships, and that Assembly, made him forbear instancing any thing more from this Author, who did not stand alone; but out of many more of the like sort, he should mention only a Book, Intituled, *The Rights of the Christian Church*; wherein the Author, in Page 108, lays down this Doctrine. *Among Christians one no more than another can be reckon'd a Priest*. And a little after, *The Clerk has as good a Title to the Priesthood as the Parson*. He urg'd that these two Men strike off our whole Religion at once; that the Fundamental Doctrine of our Faith was destroy'd by the first of 'em; and the Ministers, who were to support and defend that Doctrine, were set aside by the other. If these, said he, and such like Opinions have any where prevail'd, is it not high time that some wholsome Severities were us'd to stop the growing Contagion? Or, if the Superior Pastors of the Church should thunder out their Ecclesiastical Anathemas against the Authors and Abettors of such horrible Blasphemies, by what Construction can this be said to be done against Persons intitled to the Benefit of the Toleration?

That there was one Passage in this Sermon, which had been urg'd by the Learned Manager on this Head with more than ordinary Force, and as a direct Breach and Insult upon the Toleration; which he should endeavour to set in a true Light. That it was in the eighth Page, in these words; *Should any one, out of Ignorance, or Prejudice to the ancient Rights and essential Constitution of the Catholick Church, affirm, that the Divine Apostolical Institution of Episcopacy is a Novel Doctrine,*

Do  
indi  
ters  
it w  
the  
exen  
the  
Prot  
char  
woul  
plain  
strue  
tion  
sons  
first  
whic  
who  
Subst  
ly P  
Orde  
then  
Pers  
Bret  
ty o  
gion  
much  
on E  
hope  
Pow  
gistr  
the  
from  
Ages  
stors  
That  
the  
Past  
ders,  
only  
Cens  
of th  
cis'd  
of ou  
be re  
decla  
Th  
any E  
minis

Doctrine, not sufficiently warranted by Scripture, and that it is indifferent, whether the Church be Govern'd by Bishops or Presbyters ; is not such an one an Apostate from his own Orders ? That it was said, that all those Dissenters who do not acknowledge the Divine Right of Episcopacy, and are therefore specially exempted by the Act of Indulgence from Subscribing some of the Articles of Religion, and who are immediately under the Protection of that Act, are yet, in the End of this Paragraph, charg'd with being *False Brethren*, where he Prays, That God would deliver us all from such *False Brethren*. But that it was plain; that these Words were not meant, nor could be construed, generally of Dissenters, who deny the Divine Institution of Episcopacy, but were intended peculiarly of such Persons as had themselves been Episcopally ordain'd ; that the first of these cannot be said to be Apostates from that Doctrine which they never Own'd, nor Subscrib'd to ; but the latter, who could not be admitted to their Orders, 'till they had Subscrib'd the receiv'd Doctrine of our Church, were the only Persons who could be said to be Apostates from their own Orders, if they deny'd that Divine Institution, by which they themselves had been Ordain'd, and consequently, the only Persons that were intended in this Passage, and term'd *False Brethren*. That he should not presume to say, what the Duty of the Superior Pastors of the Church is, when our Religion and Discipline is invaded by *Atheists* and *Schismatics*, much less to Determine what Sentences justly pass'd by them on Earth, may be ratified in Heaven : That thus much he hoped he might say without Offence, That the Spiritual Power of Church-Pastors is not deriv'd from the Civil Magistrate, but from God ; that one Branch of that Power, is the censuring of Notorious Offenders, and excluding them from the Communion of the Church ; and that this has in all Ages, in Fact, and of Right too, been exercis'd by the Pastors of the Church, by Permission of the Civil Magistrate. That the Learned Bench of Bishops well knew, That before the Civil Magistrate did imbrace the Christian Religion, the Pastors of the Church did inflict Spiritual Censures on Offenders, for doing such Things as the Imperial Edicts did not only Permit, but Command ; and this Power, of inflicting Censures on Persons exempted from Punishment by the Laws of the Land, had been always challeng'd, and is now exercis'd by the Reform'd Churches abroad ; and by the Rubrick of our own Liturgy, open and notorious Evil Livers are to be repell'd from the Lord's Table, until they have openly declar'd their Repentance and Amendment.

That they were told by the Learned Manager, That in case any Ecclesiastical Judge should inflict an Illegal Censure of Excommunication, the Temporal Courts may, and would soon give Relief,



by sending forth a Prohibition. But that their Lordships would consider, that there is a wide and manifest Difference betwixt an *Excommunication* founded upon a Prosecution in the Ecclesiastical Courts, and the pronouncing Censures purely Spiritual : That the external coercive Jurisdiction of Ecclesiastical Courts being deriv'd from the Laws of the Land, may, and is frequently by those Laws restrain'd ; but such Restraint does not hinder the Pastors of the Church from exercising the Spiritual Power of the Keys, *which they derive not from the Laws of the Land, but from the Institution of Christ* ; and therefore tho' it be provided in the Act of Exemption, that Persons taking the Oaths, and making the Declaration in that Act mention'd, shall not be Prosecuted in any Ecclesiastical Court for not Conforming to the Church of *England*, yet it is not by that Act express'd or intended that *Nonconformity* to the Establish'd Church should no longer be look'd upon as Schism, or that Separatists may not, by the Pastors of the Church, be pronounc'd Schismatical. That if Separatists from the Church of *England* were guilty of Schism before the Act of Exemption, they are as much guilty of it since, the Laws of the Land which require Conformity being not by that Act repeal'd, tho' the Transgressors of those Laws are releas'd from those Pains and Penalties to which they were before obnoxious : But were the Laws of the Land which require Conformity to the Church of *England* expressly or virtually repeal'd, yet whilst the Laws of God requiring Church Unity, and forbidding Schism, are uncancell'd and remain in their full force, those who make causeless and unnecessary Divisions are still guilty of Schism, and may by the Pastors of the Church be Censur'd as such.

That he should add but one word in relation to Archbishop *Grindall*, not to disturb his Ashes, or blacken his Character ; but to vindicate the Memory of that glorious Queen under whose Displeasure he dyed. That it was said, that the true Ground of that Prelate's Suspension, was partly because he would not give up his Manor of *Lambeth* to the Earl of *Leicester* ; and partly because he had Censur'd one *Julio* an *Italian* for an illegal Marriage. That had these been the known Reasons of his Suspension, he would have had just Cause to have complain'd loudly of that Censure ; but that without entring into the secret History of that Reign, he (Dr. *Henchman*) would put the whole matter upon that Archbishop's own Sentiments, both as to the Cause of his Suspension, and the Justice of it. That by the Account yet extant under his own Hand it appears, there were in those days Men of a Fanatical Spirit that call'd themselves *Prophesiers* ; that that Archbishop had been order'd by the Queen and Council to suppress such Exercises within his Province, as contrary to the Laws

of the Land, and the Establish'd Discipline of the Church; but this Archbishop thought fit not only to delay, but absolutely to refuse to join in suppressing those Exercises, and for this Disobedience to the lawful Commands of his Sovereign, he was suspended. That his own Words which he uses upon this occasion are very remarkable, when he applies to the Council to intercede with Her Majesty to be restor'd to Her Gracious Favour, viz.

*And whereas I have sustain'd the Restraint of my Liberty, and the Sequestration of my Jurisdiction; now by the space of six Months; I am so far from repining thereat, or thinking my self injuriously or hardly dealt withal therein at Her Majesty's Hands, that I do thankfully embrace, and frankly with all Humility acknowledge, Her Princely and Gracious Care and Clemency towards me, who having Authority and Power to have us'd greater and sharper Severity against me, and for good Policy and Example thinking it so expedient, hath notwithstanding dealt so mercifully, mildly and gently with me.*

Concluding, that in this Letter that Archbishop frankly acknowledged that he had given Offence, and was for good Policy and Example justly punish'd by Her Majesty; but had it been known that he was Suspended for not tamely parting with the Revenues of his See, or for pronouncing Sentence in a Court of Justice against an unlawful Marriage, there could have been no reason for him to have acknowledg'd the Justice of his Suspension; neither could it be for good Policy and Example expedient, that he should be punish'd for not alienating the Revenues of his Church, or for not pronouncing *Julio's* Marriage with another Man's Wife lawful.

Dr. *Henchman* having done speaking, Mr. *Dodd* said, they should spend little of their Lordships time in reading to this Head; that they should only read the Toleration Act, to show the Exception in it; and offer the Archbishop's Letter to the Council, and the Queen's Letter to the Bishops: That they had the Letters of *Calvin* and *Beza*, but he believed they should not have occasion to read them.

Then the Clerk read the *Toleration Act*, Anno Primo Gulielmi & Mariæ. *An Act for Exempting their Majesties Protestant Subjects, Dissenting from the Church of England, from the Penalties of certain Laws, &c.*

Which being over, Mr. *Dodd* said, the next was the Queen's Letter to the Bishops, which they had from the Cotton Library; and a Person there present, that had the Custody of it, would prove it a true Copy. Then Mr. *Rawlinson* being sworn, and ask'd by Mr. *Dodd*, whether he believ'd it to be a true Copy, he answer'd in the Affirmative: After which the Clerk read,

*A Letter from the Quenes Majesty, sent to the Bishopps  
through England, for the supplinge of the Exercise  
called Prophecyeing:*

Cotton Library,  
Cleopatra, F. 2.  
Fol. 287, 288, 289.

**R**IGHT Reverend Father in God,  
we greete you well ; We hear to  
our great Griefe, that in sundry Parts of  
our Realme, there are no small Numbers  
of Persons presuming to be Teachers and  
Preachers of the Church, though nether lafulie thereunto  
called, no yet for the same, which contrary to our Laws  
establiſhed for the Publique Devine Service of Almighty  
God, and the Administration of his Holie Sacreemēt with-  
in this Church of *England*, do dailie demise, imagine, pro-  
pound and put in execution sundrie new Rites and Formes  
in the Church, as well by their preaching, readings, and  
ministring the Sacraments, as well by procureing unlawful  
Assemblies of a great Number of our People out of either  
their ordinary Parishes, and from Place far distant ; and that  
also of some of good-will, calling (though therein not well  
advised) to be Hearers of their Disputations, and new de-  
vised Opinions upon points of Devinities, farre and unmeete  
of unlarge People ; which manner of Invasions they in some  
places call Propheſings, and in some other places Exercises.  
By which manner of Assemblies, great Numbers of our Peo-  
ple, especially the vulgar sort, meete to be otherwise ouccu-  
pied with honest Labour for there Labour for there Livinge,  
are brought to Idleness, and seduced, and in a manner schil-  
matically divided amongst themselves into varietie of dann-  
grous Opinions, not only in Towns and Parishes, but even  
in some Families ; and manifestly thereby incouraged to the  
Violation of our Laws, and to the Breach of common Or-  
der, and finalie to the Offence of all our quiett Subjects  
that desire to server God according to the uniforme Orders  
off establiſhed in the Church, whereof the Sequele cannot  
be but over-dangerous to be suffered. Wherefore, conside-  
ring it should be the Duty of the Bishoppes, being the prin-  
cipal ordinary Officers in the Church of God, as you are  
once, to see this Dishonors against the Honor of God, and  
the Quierness of the Church reformed : And that we see  
that by the Increase of these, through Sufferance, greater  
dangor may ensue even to the decay of the Cristianne Faith,  
whereof we are by God appointed the Defendor ; besides  
the other Inconveniences, to the disturbance of our peace-  
able Government. We therefore, according to Authoritie



we have, do Charge and Commaund you, as the Bishopp of that Dyoceffe, with all manner of Diligence, to take Order through your Dioceffe, as well in places Exempt as otherwise, that no manner of Publique and Devine Service, nor other Form of th' administation of the Holy Sacraments, nor any other Rightes or Ceremonies be in any sort used in the Church, but directlie according to the Orders established by our Laws. Nether that any maner of Person be suffred within your Dioceffe to preach, teach, read, or ani exercise any Function in the Church, but such as shall be lawfully Approved and Licensed, as Persons able for their Knowledge, and conformable to the Ministrie in the Rites and Ceremonies of the Church of *England*. And where there shall not be sufficient able Persons for Learning in any Cures to preach or instruct their Cures as were requieter, there shall you lymittè the Curates to read the publique Homlines according to the Injunctions heretofore by us given for like Causes; and furthermore considering, for the great Abuse that have byn in sundrie Places of our Realme, by reason of our forsaide Assemblies called Exercises, and for that the same are not, nor have not been Appointed nor Warranted by us or by our Laws, we Will and straightlie Charge you, that you do charge the same forthwith to cease, and not to be used; but if any shall attempt or continew or renew the same, we will you not onlie to committe thereunto Prison, as Maynteyners of Disorders, but also to Advertise us or our Counsaile of the Names and Qualities of them, and of their Mayntainers and Abettors, that theupon for better Example their Punishment may be more sharp for their Reformation: And in these things we charge you to be so careful and villiant, as by your Negligence if we should hear of any Person attempting to send in the Premisses without your Correccion or Information to us, we be not forced to make some Example or Reformation of you, according to your Deserts. *Given under our Signet at our Mannor of Greenwich, the 7th of May, 1577.*

Then Mr. Phipps oblerv'd to their Lordships, that this is a Letter from Queen *Elizabeth* to the Bishops, taking Notice of the Danger that might arise from the Prophefying, and directs them to take care to suppress those unlawful Assemblies; and now they would read to their Lordships the Letter from the Archbishop to the Council, wherein he tells them that he could not comply with Her Majesty's Command.

Clerk reads.]

*To the Lords of the Privy Council.*

**R**IGHT Honorable and my singuler good Lords, I cannot deny but that I have been commanded both

B b 2

by

by the Quenes Majestie her self, and also by divers of your  
 Honorable Lordships in Her Name, to suppress all those  
 Exercises within my Province, that are commonly called  
 Propheties; but I do protest before God, the Judge of all  
 Hartes, that I did not of any Stubberness or Wilfulness re-  
 fuse to Accomplish the same, but onely upon Conscience;  
 for that I found such kind of Exercise set down in the Ho-  
 lie Scriptures, and the use of the same to have contynued in  
 the Primitive Church, and was perswaded that (the Abuses  
 being reformed which I always offered my self ready to La-  
 bour in) the said Exercise might yet serve to the great Pro-  
 fitt of the Church, and feared that the utter suppressing of  
 them would bread Offence, and therefore was a most humble  
 Suter unto Her Majestie, that I might not be made the  
 cheife Instrument in suppressing the same: Yet not prejudi-  
 cing or condemning any that in respect of Pollicie or other-  
 wise should be of contrary Judgment, or being of Authori-  
 ty, should suppress them: For I know right well, that  
 there be some things of that Nature, wherein diverse Men  
 maye be of diverse Opinions, and abownd in their owne  
 Sense (being not repugnant to the Analogie of Faith) without  
 any Prejudice to their Salvation, or any Prejudice  
 of ether to other. Notwithstanding howsoever others be-  
 ing otherwise perswaded, might safely do yt; yet I thought  
 it not safe for me (being so perswaded in Minde) to be the  
 Doer of that whereof my own Heart and Conscience would  
 condemne me. And whereas I have susteyned the restraint  
 of my Libertie, and Sequestration of my Jurisdiction nowe  
 by the space of six Monethes, I am so farre from Repininge  
 thereat, or thinkinge my self injuriously or hardlie dealt  
 withal therein at Her Majesties Hands, that I do thankfully  
 Embrace, and franklie, with all Humilitie, acknowledge  
 her Princely, Gracious, and Rare Clemencie towards me,  
 who having Authoritie and Power to have used greater  
 and sharper Severitie againste me, and for good Pollicie and  
 Example thinking it so expedient, hath notwithstanding  
 dealt so mercifullie, myldelye, and gentlie with me. But  
 the greatest Grief that ever I have had or have, is the Loss  
 of Her Majesties Favour, and the susteyninge of the Displea-  
 sure of so gracious a Sovereigne, by whom the Church and  
 Realme of England hath been so long and so happilie Go-  
 verned; and by whom my self privatelie and speciallie a-  
 bove other Subjects have received so many and so great Be-  
 nefits above all my Deservings, for the recovery of whose  
 gracious Favour I most humbly beseech your Lordships to  
 be a meanes to Her Majestie for me: The which obteyned,  
 I shall esteeme far above all worldly Benefits whatsoever. And

A  
 Lett  
 of the  
 man  
 Artic  
 were  
 Her  
 being  
 that  
 35th  
 have  
 to gi

T  
 for v  
 that t  
 great  
 Admin  
 blacke  
 prov'd  
 Church  
 to der  
 nor h  
 That  
 to Ma  
 ces th  
 very g  
 ces of  
 opposi  
 to He  
 follow  
 for sup  
 of Par  
 greed,

I protest here before God and your Honours, that not only my dewtifull and humble Obedience to Her Majestie shall be such, as She shall have no Cause to Repente Her of Her gracious Goodness and Clemencie shewed unto me ; but also that by moste fervente, heartie, and dailie Prayer (as I have done hitherto) so I will contynew, accordinge to my bownden Dewtie, to make most earneste Sute unto Almighty God for the longe Preservation of Her Majesties moite happie Raigne, to the unspeakable Benefit of the Church and Realm of England, &c,

29 November, 1577,

EDM. CANTUAR.

After the Reading, Mr. Dodd said, they hoped these two Letters had set that Matter in a true Light, *that the Reason of the Archbishop's Disgrace, was for not complying with the Commands of the Queen : And that they would proceed to the Third Article.* Mr. Phipps added, that the Dates of these Letters were material, for they were written in the Year, 1577 ; and Her Majesty's Commands for Suppressing the Prophesyings not being obey'd, the Puritans in few Years became so dangerous, that the Parliament was necessitated to make the Act of the 35th Year of Her Reign (with those severe Penalties which have been so much Censured by one of the Learned Managers) to give a Check to them.

THEN Mr. Dodd resuming his Discourse, said, that in the Third Article, the Doctor was charged, that *he does suggest and assert, that the Church of England is in a Condition of great Peril and Adversity under Her Majesty's Administration ; and that, in order to arraign and blacken the Vote or Resolution of both Houses of Parliament, approved by Her Majesty, he, in opposition thereto, does suggest the Church to be in Danger : Which they took the liberty totally to deny ; the Doctor asserting no such thing in his Sermon, nor had it, (as they apprehended) been proved upon him.* That indeed, he asserts, that when National Sins are ripened to Maturity, with other Immoralities and Irreligious Practices therein mentioned, then such a People and Church are in very great danger, as they apprehended from the Sins and Vices of wicked Men. That this they conceive no ways to be opposite to the Votes of the Two Houses of Parliament, nor to Her Majesty's Declaration ; and they thought they had followed the Act of Parliament of 9 and 10 of King William for suppressing Blasphemy and Prophaneness, and other Acts of Parliament, in asserting this matter. That it must be agreed, that the Church, as a Church Militant, is always in danger,



danger, 'till it is a Church Triumphant: That it is always taken notice so to be, she has many Enemies, she ought to be always on her Guard and Watch, and all good People ought to pray for her Support; That the Prayers directed by Her Majesty to be used in all Churches, are, *That no Sedition may disturb this State, nor Schism distract this Church*; and that we all ought to lay it to Heart how great Dangers we are in by our unhappy Divisions. That these being the Prayers that are put up every Day in the Churches, to object from this, that they look'd on the Church to be in Danger under Her Majesty's Administration, is directly contrary to what the Doctor had asserted in his Sermon, wherein he does, as a good and loyal Subject, pray, and pray heartily for the best of Queens, *that she may long live for the Comfort and Support of this Church and Nation*; that after this, one would think there could be no ground to quarrel with him on this Head: And as to that which was urged by one of the Gentlemen Managers for the House of Commons, observing that the Doctor's Expressions were taken out of the *Lamentations*, and that when the *Lamentations* were written, the King was a Prisoner, and the People in Captivity, and therefore the Doctor intended the Parallel to answer the present Times: Surely no such Inference could be drawn from these Passages. That he hoped the People were in no Captivity whatsoever; nor was our Queen (blessed be God) a Prisoner: And if it was intended by the Gentleman Manager, (as he supposed it was) that the Doctor herein meant the *Pretender*; the Doctor utterly denied it, and had all along disclaimed his Right, and asserted Her Majesty's Right in very express Terms: But that in this Place cited by the Doctor, is represented the Prophet's Lamentation for the Sins of the People, and the Judgments that had overtaken the *Jews* for their Sins and Rebellion. That the like Prayers may be observed to have been made by King *David*, and yet the Church of the *Jews* was in the greatest Prosperity in his Time; however, there is scarce a Psalm but he laments the Sins of the People, for fear lest they should bring down Judgments on the *Jewish* Church and State. And that this is Pathetically express'd almost throughout all the Psalms.

That as to the Allegation, That *the Members of both Houses were conspiring the Ruin of the Church*, he totally denied it, nor had the Doctor in all his Sermon mentioned the Votes of the two Houses; therefore for the Article to charge the Doctor with asserting that *the Members of both Houses, who past the Vote relating to the Danger of the Church, were Conspiring her Ruin when they Voted her out of Danger*, was a mistaken Fact. That Vote being made almost four Years before. There could

be no Reason to think he reflected on that Vote, nor was their any thing that could induce their Lordship's in the Doctor's Sermon, to believe such a Charge. That the Passage in the Doctor's Sermon related to the Wars in the late Times: And as in those Days there were many ill Men, and God permitted them to bring their ill Designs about; so it was plain, that there were many good Men innocent, as my Lord *Clarendon* expresses it, that had no such ill Designs. That, when their Lordships and the Commons pass'd that Vote, no doubt it was a just Vote, and gave a great Satisfaction; but no Body could expect that Passage to be turned on the Doctor as a Reflection on their Lordships, the Commons, and Her Majesty, in relation to that Vote; for what he Reflected upon was quite another thing: That he took Notice that the Church was in Danger from evil Men, from evil Practices, and evil Books that were daily Publish'd. That they hoped their Lordships would not take it, that when they urged this they intended to Reflect either on the Pastors of the Church, or the Ministry of the Queen, for it would be hard that they should be answerable for all those Pamphlets; But when such were Published to poison the Notions of the People, and a Minister in the Pulpit takes Notice of them to prevent the ill Consequences of them, whether this can have such a Construction as had been contended for, they might safely submit to their Lordships. That the asserting the Christian Faith to be in Danger by Vice and Irreligion, could not be contrary to the Votes in the Articles alledged, nor affect him, who made the Assertion, with any Crime, or subject him to any Punishment. That they should be the shorter in opening this Article, because they fear'd they should be very long in their Evidence upon this Head; that they should produce several Books that daily came out, which contain'd the highest Blasphemy, Irreligion and Heresie that could be publish'd. That he would not take upon him to open them; they were so horrid he left the Passages to be read, that their Lordships might see what Grounds there were for a Preacher in the Pulpit to take Notice of these Matters. When (said Mr. *Dodd* in the Conclusion) the Church is run down, the Clergy vilified, when they tell us a grey Coat has as much Authority to Administer the Sacrament as a black Coat, and that a Country Man may make as good a Priest as the Parson of the Parish; these things may excuse the Zeal of the Doctor, in so warmly Reprehending them. We shall read abundance of this sort of Learning, and we shall do it only, to shew that there was Reason for the Doctor in the Pulpit to forewarn the People, to caution them that they may not have ill

Impressions made upon them, by such wicked and scurrilous Writings. We shall humbly offer our Evidence to your Lordships, and then submit this Article,

Mr. Phipp's **M**R. Phipps, who spoke next to the third Article, begg'd their Lordships Patience, while he took Notice of the several Branches of it, and shew'd that the Doctor was not Guilty of any Offence therein charged. That as to such Part of this Article, as Charged the Doctor, *That he doth falsely and seditiously Suggest and Assert, that the Church of England is in a Condition of great Peril and Adversity under Her Majesty's Administration; and that to arraign and blacken the Vote and Resolution of both Houses of Parliament, approv'd by Her Majesty, he, in Opposition thereto, doth suggest the Church to be in Danger.* He took Notice, that the First Part of the Fourth Article Explains this Branch of the Third Article, and shews what the Commons meant by the Church being in Danger under Her Majesty's Administration: For, the First Part of the Fourth Article says, *That the Doctor suggests that Her Majesty's Administration, in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution; so that by Charging that the Doctor Asserts the Church is in Danger under Her Majesty's Administration, it must be intended that he Asserts the Church to be in Danger, by Reason of Her Majesty's Administration: And therefore, if there be any Expression in the Doctor's Sermon which Suggests the Church to be in Danger, yet if it be not also therein Asserted that the Danger proceeds from Her Majesty's Administration, the Doctor could not be an Offender within the Meaning and Intention of this Article: And that the Doctor denied, that he had Asserted any Thing in his Sermon, from whence any such Suggestions could be inferred. That to give their Lordships full Satisfaction in this Point, he should first take Notice of the several Clauses in the Doctor's Sermon at St. Pauls, which had been Cited to make good this Article; That the first Passage quoted for this Purpose, was in Page the 5th, where the Doctor thus Expresseth himself: *I shall take the Expression in its full Latitude, without confining it to the express Design of the Place, tho' it were very Obvious to draw a Parallel here betwixt the sad Circumstances of the Church of Corinth formerly, and of the Church of England at present; wherein her Holy Communion has been rent, and divided by factious and schismatical Impostors; her Pure Doctrine has been corrupted and defil'd; her Primitive Worship and Discipline profan'd and abus'd; her Sacred Orders deny'd and villify'd; her Priests, and Professors (like St. Paul) calumniated, misrepresented and ridicul'd; her Altars, and Sacraments, prostituted to Hypocrites,**

*Deists,*



Deists, Socinians and Atheists; and this done, I wish I could not say, without Discouragement, I am sure with Impunity, not only by our profess'd Enemies, but, which is worse, by our pretended Friends and false Brethren.

' This, added he, is the Passage which is chiefly insisted on to make good this Branch of the Article. My Lords, Is there not too much Truth in this Clause? Hath not the Communion of the Church been rent and divided by some Faction and Schismatical Teachers in Separate Congregations, who have no Orders at all; and by others, who refuse to take the Oaths, and will not comply with the Act of Toleration; by Popish Priests, who have drawn away Persons from our Communion to their Church? Have not her Sacred Orders been deny'd and villify'd by the Papists, who pretend, Arch-Bishop Parker was Consecrated at the Nags-head? Are not her Altars and Sacraments prostituted to Atheists, Deists and Socinians, who Communicate to Qualifie themselves for Offices and places of Trust; and yet, is there any thing in this Clause can Support this Article? Are these Evils charg'd upon Her Majesty, or is it Asserted, that these Mischiefs are owing to, or proceed, from Her Majesty's Administration? That the next Paragraph cited to maintain this Article, was in the 14th Page, where the Doctor says, *In short, as the English Government can never be Secure on any other Principles, but strictly those of the Church of England, so I will be bold to say, where any Part of it is trusted in Persons of any other Notions, they must be false to themselves, if they are true to their Trusts; or if they are true to their Opinions and Interest, must betray that Government they are Enemies to upon Principle. Indeed, we must do them that Justice, to confess, That since the Sectarists have found a way (which their Fore fathers, God knows, as wicked as they were, would have abhor'd) to swallow not only Oaths, but Sacraments, to Qualifie themselves to get into Places and Preferments; these sanctified Hypocrites can put on a shew of Loyalty, and seem tolerably Easie in the Government, if they can engross the Honours and Profits of it: But, let Her Majesty reach out Her little Finger to touch their Loins, and these Sworn Adversaries to Passive Obedience, and the Royal Family shall flet themselves, and curse their Queen and their God, and shall look upwards.*

That in this Passage there is not one Word of the Church being in Danger by Her Majesty's Administration: That he only shew'd the Danger the English Government may be in by Occasional Conformists put into Offices and Places of Trust. For, Occasional Conformists, who are Dissenters, Republicans, Atheists and Deists, that Communicate only to qualifie themselves for Places, if they are true to their Opinions, cannot

cannot be true either to the Church of *England*, or to the Government; for they will be always promoting their own Principles in Religion, and their own Forms of Government in the State. That both Lords and Commons were of Opinion, it was not safe to trust Occasional Conformists with the Guardianship of our Church or Crown, when they agreed to the Bill for preventing Occasional Conformity, which Enacts, ' That if any Person, who had any Office Civil or Military, or any Command or Place of Trust under Her Majesty, or if any Person bearing any Office of Magistracy, or Place of Trust in Corporations, who by the Laws are obliged to receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of *England*, should after their Admission into their respective Offices, and during their Continuance in such Offices, resort unto any Conventicle, Assembly or Meeting, under Colour or Pretence of any Exercise of Religion, in any other Manner than according to the Liturgy and Practice of the Church of *England*, they should, being Convicted thereof, be disabled from thenceforth to hold such Office or Offices. That tho' this was never Enacted into a Law, yet, as it was the Opinion of both Houses of Parliament, he begg'd leave to offer it as a Reason to Confirm what the Doctor had asserted. That he should trouble their Lordships only with one Passage more, which was urg'd to prove this Article, which was in Page the 15th, where the Doctor says, *To lay before you the great Peril and Mischiefs of these False Brethren in Church and State; which I shall endeavour to do, by proving that they weaken, undermine, and betray in themselves, and encourage, and put it into the Power of our profess'd Enemies, to overturn and destroy the Constitution and Establishment of both.* Adding, that these False Brethren are the Occasional Conformists mentioned in the Page preceding.

That he heartily wish'd that all who Communicate in the Church, were true Sons of the Church; but if, as the Doctor suggested, there were any that Communicated at her Altars, who disown'd her Mission, refus'd to comply with her Liturgy, and were Enemies to her Constitution; if *Arians, Socinians, Deists*, and almost all Dissenters, and other Enemies to the Church, Communicated with her to get Places and Preferments in Church and State, what Prejudice the Church might receive from such False Brethren, he submitted to their Lordships Judgments; begging leave only to offer to their Lordships, what was said by the Commons at a Conference with their Lordships, upon the Bill for preventing Occasional Conformity, and which, he hoped, in an Impeachment by the Commons, would have some Weight with their Lordships.

That

That t  
Notice  
' Parli  
' fami  
' as pr  
' Reli  
' Act,  
' secur  
' that  
' disap  
' Office  
' ding  
' never  
' ences  
' enoug  
Tha  
gers di  
not A  
Admin  
Doctor  
of the  
' TH  
' Pray  
' tion  
' ful T  
' of ou  
' this  
' deny  
' by th  
' as to  
' Adm  
' the C  
' tho'  
That  
and ou  
they ca  
a Blasp  
after u  
Lordsh  
Lordsh  
aver'd  
ter tha  
Could  
minitr  
in this  
any mo  
would y

That the Commons upon that Conference were pleased to take Notice, ' That when the Corporation Act was made, the ' Parliament had fresh in their Minds the Confusions and Calamities that had been brought upon the Nation, by such ' as pretended to be at the same time in the true Interest of ' Religion and their Country. That the Parliament by that ' Act, and afterwards by the Test Act, thought they had ' secured our Establishment both in Church and State; and ' that they had provided a sufficient Barrier to defeat and ' disappoint any Attempts upon them, by Enacting, *That all in ' Office should receive the Sacrament of the Lord's Supper, according to the Rights and Usage of the Church of England;* and ' never imagin'd a Set of Men would rise up, whose Consciences were too tender to Obey the Laws, but harden'd ' enough to Break through any.

That having shewn that the Passages Cited by the Managers did not maintain this Article, and that the Doctor had not Asserted the Church to be in Danger by her Majesty's Administration; He would next shew, from what Causes the Doctor did suggest the Danger of the Church to arise; and of these, Schism was one.

' That Schism, continued he, may distract the Church, a ' Prayer lately added to our Liturgy tells us; That Separation from the Establish'd Church, which imposeth no sinful Terms of Communion, is *Schism*, all the Learned Men ' of our Church agree; and that there are many People in ' this Nation that are Guilty of Schism, I think no Body will ' deny: And altho' it cannot be imagin'd, nor is it Asserted ' by the Doctor, that such Schism should grow to such a Head ' as to endanger the Church, during Her Majesty's Happy ' Administration; yet, what ill Consequence it may be to ' the Church in another Age, no Body can pretend to know, ' tho' every Body may have too much Reason to fear.

That, when Men attack'd the Articles of our Religion and our Homilies, and represented them as *Spurious*; when they call'd the Doctrine of *Non-Resistance* and *Passive Obedience* a *Blasphemous Doctrine*, what Influence that might have hereafter upon our Government, both in Church and State, their Lordships were the best Judges. That he submitted to their Lordships, if the Queen could be Safe, when it should be aver'd in Print, that there is one on the other side of the Water that is a *Fure Divino* King, and hath an Hereditary Right. Could the Queen or Church be safe, when all the whole Administration is villify'd and abus'd, as it is in the *Observer* in this Manner. Country-man asks the Question, *Have you any more Knaves to talk of? Obs. Honest Country-man, what would you have me to do? If I must run through all the Lists of*  
Knaves



*Knaves, I must bring in all the Courts, all the Employments, all the Classes of Publick Affairs in the Nation. Could the Queen be safe, when the Murder of King Charles the First was justified in Print, by the Review and Observator? When the Wet Martyrdom of King Charles the First, and Dry Martyrdom of King James the Second were said to be all one, and no Difference between them? When such Rebellious Principles were so Publickly avow'd? And if Her Majesty be in Danger, could the Church be safe?*

That all Learned Men that understand our Constitution have always agreed, that there is such a near Relation between the Church and Monarchy, such a Dependence of one upon the other, that where one falls, the other cannot stand.

Can either Church or Queen be safe, (added he) when so great and necessary a Part of our Constitution, our Parliament is struck at? When it shall be said, *That the Members sit in the House to do nothing, making long Speeches without Meaning, and Voting Bills without design to have them pass?* And when such Rebellious Principles are broached, as I mentioned to your Lordships upon Friday last out of the Review, to shew the Necessity of preaching the Doctrine of Passive Obedience, viz. *If the next Parliament should prove like this, the Nation will be so much nearer that Crisis of Time, when English Liberty being brought to the last Extremity, must open the Magazine of Original Power?* That these were some of the Things alledged by the Doctor to be dangerous to the Church and State: But that the chief Causes from whence he suggested the Danger to proceed, were Atheism, Prophaneness and Immorality; for he thus express'd himself, pag. 20. *What reason have we to think but that the National Sins are ripen'd up to a full Maturity to call down Vengeance from Providence on a Church and Kingdom thus debauch'd in its Principles, and corrupted in its Manners, and instead of the True Faith, Discipline and Worship, given over to all Licentiousness both in Opinion and Practice; to all Sensuality, Hypocrisie, Lewdness and Atheism?* That from these Sins it was he apprehended the Church and Nation to be in Danger; and what Judgments had been brought down upon Kingdoms and Nations for these Sins there were Multitudes of Instances, both in Sacred and other Histories; That sometimes they had been depriv'd of the true Worship of God, and overwhelm'd with Idolatry and Mahomenatish; That the Name of Christ was forgot in the Place of his miraculous Birth; and the Light of the Gospel totally extinguish'd where it at first so gloriously shin'd, by Infidelity, Prophaneness, and Immorality; May not (added he) *the same Causes produce the same Effects?* Can England be always secure from

such

such  
Perfo  
many  
Perfo  
Blasp  
and i  
ships  
Treat  
the T  
Son a  
14th,  
there  
Notes  
Incar  
cessary  
of the  
necess  
are in  
Acqua  
good;  
he cou  
Sins o  
heavy  
that t  
Judgm  
esty's  
would  
as to e  
they n  
ger th  
For as  
and So  
ples in  
at once  
therefo  
we mu  
Contag  
our M  
the dan  
mitted  
wise a  
happen  
ther he  
under  
That  
sume to  
humbly

such Judgments, when some amongst us scarce own the first Person of the Trinity, by whom they were created? But many have the Boldness to deny the Divinity of the Second Person, by whom they were redeemed: That many other such Blasphemies and Atheistical Notions were daily propagated and spread abroad among us, of which He begg'd their Lordships Permission to cite some few Instances: That there is a Treatise call'd, *A brief but clear Confutation of the Doctrine of the Trinity*; Page the 9th it says, *The Divinity attributed to the Son and Holy Ghost is unscriptural and idolatrous*; Page the 14th, *To be short, Trinitarianism is Polytheism and Idolatry, if there be any such Thing in Nature*. And a Book called *Brief Notes on the Creed of Athanasius*, speaking of the Trinity and Incarnation, says, *A Belief in these Points is in no Degree necessary, much less necessary before all Things*. That the Account of the Growth of Deism, Page 17. says, *Many Doctrines are made necessary to Salvation, which it is impossible to believe, because they are in their Nature Absurdities*. Idem page 22. *One of my Old Acquaintance always thought the Moral Part of the Bible very good; but he also thought that by the Strength of his own Reason, he could have writ as good a Moral himself*. That they were Sins of a very deep Dye, and might justly draw down very heavy Judgments; and altho' they were very well assured, that the Piety of Her Majesty alone is sufficient to avert those Judgments that are due to such Crimes, and that by Her Majesty's Care, and the Vigilance of Her Ministers, those Sins would not grow to such a Head during Her Majesty's Life, as to endanger the Church and State, yet (if not prevented) they might take such Root now, as might hereafter endanger the State, the Church, and even Christianity it self: For as among Men, *Nemo Repente fuit turpissimus*, so Heresies and Schisms in the Church, Factious and Seditious Principles in the State, are not invented and arrive to the Height at once, but steal by Degrees into the Church and State: And therefore, as in the Body Natural, so in the Body Politick, we must meet the Disease, and prevent the spreading of its Contagion: And one of the best Methods to do it, is by our Ministers shewing the Heinousness of these Crimes, and the dangerous Consequences that attend them. And they submitted it to their Lordships, whether the Dr. had any otherwise asserted the Church to be in *Danger*, than what might happen to her as the Consequences of such Sins; and whether he any where averr'd the Church to be in *Danger* by, or under Her Majesty's Administration.

That as to the Votes of both Houses, they durst not presume to say how far they were design'd to extend: But he humbly submitted to their Lordships Consideration, whether  
the

the Vote of both Houses in 1705, did relate only to such Suggestions and Insinuations of the Church's Danger, as should be made about that Time, or some short time after; or whether it was intended to have a Prospect, and relate to what should be suggested four Years after; whereas it was impossible for the Wit of Man to foresee what should happen in so long a Time. That we were then, as at present, engaged in a War with a powerful Enemy; a Pretender, supported by that Enemy, and who, since that Vote, attempted to invade these Kingdoms; That if that Army of the French had been successful in Flanders, and the Advantage of the War had turn'd on their side; and if the Pretender had landed with such successful and powerful Army of French Papists in Great Britain, he believ'd it would have been impossible to have made the Generality of the People avoid thinking both Church and State to be in Danger under those Circumstances. To conclude, That if there be any thing in his Sermon, from whence it could be inferr'd that he suggested the Church to be in Danger, yet if it was not done with a wicked, malicious and seditious Intent to defame Her Majesty's Administration, and to contradict and arraign the Resolutions of both Houses of Parliament, and unless such Intention plainly appear'd without Inuendo's, he could not be guilty within the Intent of this Article.

And as to so much of the Third Article, which chargeth that the Doctor, as a Parallel, mentions a Vote that the Person of King Charles the First was voted to be out of Danger, at the same time that his Murderers were conspiring his Death, thereby wickedly and maliciously insinuating, that the Members of both Houses who pass'd the said Vote were then conspiring the Ruin of the Church; He could not give a better Answer than the Doctor himself had given to it, viz. ' 1. That he doth not draw any Parallell between the Vote concerning the King's Person, and the Vote of the two Houses. 2. That he does not in his Sermon mention the Vote of the two Houses. 3. That if he had mentioned it, he would not thereby wickedly and maliciously have insinuated, that the Members of both Houses, who pass'd that Vote, were then conspiring the Ruin of the Church; but would have insinuated, that as some Persons were conspiring the Murder of the King, whilst others, no way privy to their wicked Intentions, voted his Person to be out of Danger; so when the two Houses voted the Church to be in no Danger under Her Majesty's Administration, there might be some others who were conspiring the Ruin of the Church, and many others, who by their Vice and Infidelity were drawing down God's Vengeance both on Church and State.

Mr.

Mr. I  
Spee  
on the  
Church  
Doctor  
ricle,  
words  
were  
ctor d  
ril an  
Crimi  
there  
the C  
Breth  
Churc  
the Fo  
fore a  
the E  
adding  
they c  
charg  
Churc  
pear f  
pears,  
For the  
Tha  
pleased  
solutio  
rallel  
Charles  
was n  
must b  
Line  
first L  
tice of  
Notice  
Law  
Votes  
so 'till  
the Pr  
the Do  
' That  
' Vote  
' Defig  
' but t  
' blood  
' thirt  
admit



Mr. *Dee's* **M**R. *Dee*, who spoke next in the Doctor's Defence, begg'd leave to make a Distinction, on the last Article, that is, that these Words, *Danger of the Church*, seem'd in the Articles to bear one Sense, and in the Doctor's Sermon another. That Danger suggested in the Article, is a Danger under Her Majesty's Administration; which words, he thought, were not to be found there; and if they were omitted, then it would stand only thus, That the Doctor did affirm that the Church of *England* is under great Peril and Adversity, and if so, he hoped the Assertion was not Criminal. That he could not find that the Dr. suggests that there is any form'd Body of Men conspiring to overthrow the Church; but says that there are such Men that are False Brethren that endanger the Doctrines and Discipline of the Church. That there was some sort of Danger, appear'd by the Form of Prayer daily offer'd up for her Safety, and therefore a general Suggestion of Danger would not have answer'd the End of the Commons to make the Dr. Criminal, without adding the Words *under Her Majesty's Administration*; and if they could shew that the Dr. in any Part of his Sermon has charg'd the Queen with such Administration as endangers the Church, he (Mr. *Dee*) should be very much to blame to appear for him at this Bar; but the contrary, he thought appears, when he Prays for Her Life, with these Words added, *For the Comfort and Support of this Church and Nation*.

That the Managers for the House of Commons had been pleas'd to say, That the Doctor had reflected upon the Resolutions of both Houses of Parliament, by drawing a Parallel between the Vote relating to the Murder of King *Charles*, and the Vote of the Two Houses, *that the Church was not in Danger*. But that to make a Parallel there must be two Lines, a Line first given to draw the Parallel Line to; and that in the Doctor's Sermon there was no such first Line given, for he had not in all his Sermon taken Notice of any Vote of both Houses. That if he had not taken Notice of this Resolution of both Houses in his Sermon, the Law would not imply that he had any Notice of it; for Votes are private Resolutions of the Houses, and always were so 'till of late they had been publish'd in Print; nor would the Printing of them infer that he had Notice of them. That the Doctor's Distinction in his Answer is very true and plain, 'That he doth not charge the Persons concern'd in passing that 'Vote with being concern'd in that odious and execrable 'Design of carrying on the Murder of that Royal Prince; 'but that yet at the same time they pass'd that Vote, that 'bloody Design was carried on by a private Juncto of Blood-'thirty Men. That he did not, but supposing he should, admit the Doctor had Contradicted the Resolutions of both Houses,

Houſes, he ſubmitted it to their Lordſhips what Crime the contradicting a Vote of the Houſe of Commons, or the Reſolution of both Houſes, is. That contradicting a known eſtabliſh'd Law may be Seditious; but he ſubmitted it, whether a Vote is ſo publick an Act, that contradicting it, at leaſt without taking notice of it, be any Crime; or at leaſt be ſo high a Crime as to deſerve a Cenſurè. That he might indeed; he thought Saucy and Unmannerly to do it, or it might be a Breach of Privilege; but whether their Lordſhips would interpret it to be a Crime, and ſuch a Crime as would bear an Impeachment for High Crimes and Miſdemeanors, he ſubmitted to their Lordſhips. That they hoped, that notwithstanding any thing yet offered againſt the Doctor, that their Lordſhips would be of Opinion, that the acquitting him of this Impeachment, would be a noble and convincing Proof of the undoubted Truth of that Vote, That the Church of England (of which the Doctor was a true, though an unfortunate Son, whiſt under a Charge by the Commons of Great Britain for High Crimes) under Her Maſteſty's Adminiſtration, was in a Safe and Flouriſhing Condition.

Dr. Henchman's **D**R. Henchman, who ſpoke next in the Speech. Doctor's Behalf, as to the Third Article of Impeachment, in which he is charg'd with [*Faſſly and Seditiouſly ſuggeſting and aſſerting, That the Church of England is in a Condition of great Peril and Adverſity under Her Maſteſty's Adminiſtration.*] Said, that if by theſe Words, under Her Maſteſty's Adminiſtration, their Lordſhips were to underſtand; By the Courſe and Tendency of Her Maſteſty's Adminiſtration, that Charge, they poſitively deny'd, and aſſurèd themſelves that the Learned Managers had not been able to maintain it; either from the general Scope and Deſign of the whole Sermon; or from any particular Paſſages in it. That if by thoſe Words, under Her Maſteſty's Adminiſtration, was to be underſtood only During the time of Her Maſteſty's Adminiſtration, then they apprehended that there might be, Perils under Her Maſteſty's Adminiſtration, which do no ways proceed from ſuch Her Adminiſtration, and which might be mention'd without any ſeditious Thought or Intention of reflecting upon Her Maſteſty's Happy Adminiſtration. That if their Lordſhips look thro' the whole Sermon, it would appear, that he who now ſtood accuſed for caſting this foul Alperſion upon Her Maſteſty, never once mention'd Her throughtout this whole Diſcourſe, but in Terms full of the profoundeſt Reſpect and Reverence: That in the very beginning of this Sermon, in the ſecond Page this was reckon'd as one chief Part of that Day's Deliverance; which he was then ſolemnizing, *That this good and pious Re-*

lick

lick.  
great  
hone  
Thro  
few  
preſer  
cauſe  
That  
aſſert  
and A  
their  
with  
Happ  
Thro  
Her t  
Churc  
ſity u  
Tha  
as aro  
moral  
Chriſt  
attend  
there  
Propha  
mentio  
Gentle  
this:  
leave t  
phaner  
That  
lity, th  
ed out  
deniab  
that H  
prevent  
ſolution  
phaner  
larly in  
clamat  
ſpective  
they ar  
the Pra  
rality  
Ministe  
all deg  
once h  
their pu  
an Imp

*lick of the Royal Family sits now happily upon the Throne of Her great Ancestors.* That in the 19th Page we find him with an honest and hearty Zeal asserting Her Majesty's Right to the Throne, and praying God to bless her in it; and within a few Lines he again repeats that Prayer, *That God would long preserve Her on that Throne,* for this very remarkable Reason, *because She is the Comfort and Support of the Established Church.* That this is not the Language of one that would suggest and assert, that very Church to be in a Condition of great Peril and Adversity from Her Majesty's Administration; nor could their Lordships presume, that any one could so far prevaricate with God and Man, as openly to thank God for the peculiar Happiness that we now enjoy by Her Majesty's sitting on the Throne of Her Ancestors, and to beseech him long to preserve Her there for the Support and Comfort of the Establish'd Church, and yet assert, that that Church is in great Adversity under, that is from, *Her Majesty's Administration.*

That Dangers spoken of in this Sermon were either such as arose from the *Infidelity* and *Prophaneness*, the Vice and Immorality of the Age, or else such as always had attended the Christian Church from her first Foundation, and always will attend her whilst she continues Militant upon Earth. That there were Dangers arising to the Church from *Infidelity* and *Prophaneness*, was already, too evident from those Authors I mention'd under the Second Article, and from what the Gentlemen, who had spoke before him had observ'd upon this: And if it yet wanted a Confirmation, they should beg leave to lay before their Lordships a black Catalogue of *Prophaneness* and *Blasphemy*, not fit to be heard more than once.

That as to the Dangers proceeding from Vice and Immorality, the Laws of the Land, and the many Proclamations issued out by Royal Authority upon that occasion, were an undeniable Evidence of the growing Danger to the Church on that Head; and of Her Majesty's special Care to suppress and prevent that Danger: Her Majesty declaring Her Royal Resolution to punish all manner of Vice, Immorality and *Prophaneness* in Persons of all Degrees whatsoever, and particularly in such as are near Her Royal Person; that these Proclamations are order'd to be read by all Ministers in their respective Congregations, at least four times in every Year, and they are directed to incite and stir up their Congregations to the Practice of Piety and Virtue, and the avoiding all Immorality and *Prophaneness*: And that hard is the Fate of Ministers, if they must reprove *Prophaneness* in Men of all degrees under Her Majesty's Displeasure, and yet if they once happen to mention Men of Characters and Stations in their publick Discourses, that too must be made one Part of an Impeachment against them.



That it was said, indeed by a Learned Manager, that the Pulpit was not a proper Place for Complaints of this Nature ; *that these things ought not to be spoken of in Publick, unless they could be prov'd ; and if they could be prov'd, those that are known to be guilty should be prosecuted in a due course of Law.* But that he did apprehend it to be the Duty of a Minister of the Gospel to be instant in season, and out of season ; to exhort and rebuke with all Authority, and without Distinction ; and that the Dignity of their Function, does and ought to protect them in the Performance of that Duty ; but that Ministers should be oblig'd to Prosecute every Offender in a Court of Justice, was not yet known to be any part of their Office ; and he that at any time should take that part upon him, would hardly avoid that Imputation which many People were ready to lay upon the whole Profession.

That in the next place, their Lordships would consider whether the Dangers mention'd in this Sermon were not such as had in all Ages, and under the best Princes, infested the Church. That he Appeal'd to the Reverend Bench of Bishops, whether even in the Apostles time there were not *Men of unstable Minds* crept in among them, some carried about with every wind of Doctrine, deceiving and being deceiv'd, others teaching for *Doctrines the Traditions of Men* ; and whether in the immediate succeeding Ages the Church was not miserably wrent and divided by Faction and Schismatical Impostors : That their Lordships well knew that the Pious Care of Christian Emperors was not able to prevent the spreading of old Errors, and the continual springing up of new ones ; neither had Her Majesty's peculiar Piety and Zeal prevented many Instances of Prophaneness and Irreligion under Her happy Administration ; but certainly no Inference ought to be made from an Historical Account, or bare Mention of such like Perils of the Church, as if that was intended to arraign the Administration of those Princes in whose times they happen'd.

That there are such Dangers attending the Church, even under Her Majesty's happy Administration, needed no other Evidence than that Form of Prayer, which by Her Majesty's Authority was directed to be us'd in all Churches, in which we beseech God, *That no Sedition may disturb this State, nor Schism distract this Church ; and that he would give us all Grace seriously to lay to Heart the great Danger we are in by our unhappy Divisions.* That this Prayer particularly mentions the great Danger of the Church, in being at this time distracted with *Schism* ; and he must submit it to their Lordships Consideration, how hard it was that a Minister might not from his Pulpit mention those Dangers without Offence, which he was especially commanded to pray against in his Desk.

Dr.

D  
to  
Op  
said  
to  
wer  
not  
add  
by  
and  
he  
the  
Sern

Pa  
Bible  
Chap

the  
wher  
no.  
not  
in a  
also,  
one  
given  
requi

Ad  
adjou  
Lord  
nager  
Mr. T  
sider'  
with  
it wa  
ships  
Coun  
lemn  
Lord  
that  
Evide  
Mr  
Defen  
Lord  
Learn  
Reaso  
the D

Dr. Henchman having done speaking, Mr. Dodd beg'd leave to produce several Books, wherein there were the strangest Opinions: that perhaps their Lordships ever heard of; and said, they shall first confine themselves to them which relate to Blasphemy, Irreligion and Heresie, which they confess'd were not pleasant to be heard, or fit to be publish'd, if it were not absolutely Necessary for the Doctor's Defence. Mr. Phipps added, they begun with some Miscellaneous Tracts publish'd by Mr. Edmund Hiceringill; because he was a *False Brother*; and they thought his Tracts would justify the Dr. in what he had said in relation to the Church being in Danger, from the Blasphemy and other enormous Crimes mention'd in his Sermon.

The Clerk having read as follows:

*Part I. p. 12.* The second Pretender to Infallibility is the Bible: and that I admit too, so soon as 'tis agreed which Chapter and Verse is God's Word, and which not, and why.

—For as for some Verses and Clauses in the Holy Bible, the very Penmen thereof did not sometimes know very well whether the same were the Dictates of the Spirit of God, or no. —Sometimes they write —*Thus saith the Lord*— and not I, but the Lord Commands, So and so: And then again in a Qualm or Quandary, modestly pretend to guessing: *I think also*, says St. Paul, *that I have the Spirit of God*. Mr. Thompson, one of the Managers, said, that upon what was offer'd to be given in Evidence, they apprehended something that would require their Consideration, and they desire to withdraw.

Accordingly the Managers withdrew, and then the Lords adjourn'd to their House above; and in a short time their Lordships being returned, and Seated as before, and the Managers being also returned to the Place appointed for them, Mr. Thompson acquainted their Lordships, That they had consider'd the Nature of the Evidence open'd by the Council, and without troubling their Lordships to observe how immaterial it was for the Prisoner's Defence, submitted it to their Lordships, whether such Impious and Blasphemous Passages as the Council were asham'd to repeat should be republish'd in so solemn a manner, by reading them in Evidence before their Lordships. Hereupon the *Lord Chancellor* told the Gentlemen that were of Council for the Dr. they might proceed in their Evidence, as they should think proper.

Mr. Dodd said, they thought it so material for the Doctor's Defence, that they durst not depart from it without their Lordships Order. Mr. Phipps added, that the Reason that Learned Gentleman gave against reading them, was the very Reason they offer'd for reading them; for the Dr. ascribed the Danger of the Church to those Blasphemies and Impious

Doctrines and Tenets, that were so frequently publish'd, and which call'd for God's Judgments on the Nation, and Mr. Dee desired, that the Clerk might read in the same Book he was reading before. He went on thus:

*Ibid.* p. 17. For Sabbathising. The Sabbath, Oh the Sabbath—— called by the cunning Priest-craft, not by the Holy Scripture, the Lord's-Day, to recommend it the better to the unthinking Mob.—— Of all the other seven Days the Priest's best Market-Day to put off his Wares, and turn them into Money.

*Ibid.* p. 21. Family Duties are the next plausible Piece of Priest-craft Divinity, I mean praying with the Family, (not that I Condemn it) tho' our Blessed Saviour seems to Condemn it by his Practice and Preaching.

*Ibid.* p. 23. Saying Grace, an universally cry'd up piece of Divinity, Superstition, or Priest-craft; for we never read that Christ or his Apostles said Grace, either before Meat, or after Meat.

*Ibid.* p. 50. King *Saul* found to his cost, that he had better have displeased all *Israel*, than *Samuel* the good High-Priest; and had better have rent the Cloaths off from his own Back, than have rent *Samuel's* Cassock—— It fretted the good Old Gentleman; and in a Passion he said, *God hath rent from thee the Kingdom also, and hath given it to thy Neighbour that is better than thou.*

*Ibid.* p. 51. Then the Lord answer'd, *take an Heifer with thee, and say I am come to do Sacrifice to the Lord:* The Policy of Heaven, we see, jumps with our late Priest-craft in this, to make Religion the common covert to hide a Plot.

*Ibid.* p. 52, 53. His Kingdom, which was given to *David*, because he was a Man after God's own Heart, (not in Holiness, that is not meant, for besides his Adultery and Murder, his many other Sins, and cursing his Enemies to the Pit of Hell, is unaccountable) but after God's own Heart is a Hebrew, and in *English* signifies as much as a Man for my turn, he will Kill and Slay as the Priest directs, by Orders receiv'd from Heaven; he will fulfil all my Will, saith the High-Priest. \*

*Ibid.* Part 2. p. 4. I can by no means perceive that this Commission to Teach, Baptize, Excommunicate, or Absolve, does properly or more appertain to a Grey Fryar, or any Black Coat, more than to a Grey Coat or Layman.

*Ibid.* p. 14. To say, the Use (being for God's Service) Sanctifies it: So may a Meeting-House, a Tabernacle, or my Dining-Room be Consecrated; when we pray and preach there, or say Grace there, *pro hac vice*; and *vice versa*, it is unconsecrated when Dinner-time comes, or the Punch Bowl.

Then



Then Mr. Dee said, the Rights of the Christian Church was the next Book they should offer to their Lordships, whereupon the Clerk read what follows:

P. 105. At the close of the Supper, the great Meal with them, the Master of the Feast distributed among his Guests small pieces of Bread; and having first drank of the Grace-Cup, deliver'd it to be handed about; To which Christ, who Instituted no new Rites, superadded the Remembrance of his Sufferings; and directs his Disciples, as often as they did this, that is, Celebrate such Festivals, and close them with the *Post-cænium*, to Commemorate him after this manner.

*Ibid.* p. 102. Does not every one, as well as the Minister, equally apply the Bread and Wine to the same Holy and Spiritual Use, in Commemorating the Benefits received by our Saviour, and in offering up the same Prayers, and desiring the same Blessings? And whoever does this with a due Application of Mind, rightly Consecrates the Elements for himself, since this is the only Consecration they are capable of: Any thing further than this may rather be called Conjuratation than Consecration.

The next Book said Mr. Dee, we offer to your Lordships is *Blount's Oracles of Reason*: And accordingly the Clerk read the following Passage.

Preface p. 3. Reason is able to furnish us with enough to make us happy, and that is as much as we need care for.

*Ibid.* p. 165. When he made his Cavalcade upon an *Asinago*, they extoll'd him as the Descendant of King David; but his untimely Apprehension and Death, together with his Neglect to improve the Inclination of the People to make him King, did allay the Affections of the Jews towards him.

*Ibid.* p. 49. It seems a very cruel and very hard thing in this respect, that God should be said to have tormented, nay, and ruin'd Mankind, for so small a Fault, and that too committed thro' the Levity of a Woman's Mind.

The next Quotation was out of Dr. Burnet's *Archæologia Sacra*,

P. 296. Clerk Reads.] *Id utiq; videtur gravissimum, & asperrimum in hac Narratione, quod Gentem humanam plexisse, imo perdidisse dicatur Deus ob rem exiguam, & feminilis Ingenii levitate perpetrata.*

The next out of an *Account of the Growth of Deism.*

P. 191, 192, 193. *Clerk Reads.*] But since the Gospel Simplicity has been worn off, the Priests of all Churches have agreed, first, That it is necessary for all Christian People to Communicate at the Lord's Table. Secondly, That this Sacrament cannot be rightly Celebrated without the Assistance of a Priest, who must Consecrate the Elements to the use for which they are designed; whereby the Priest is made absolutely necessary to the very Being of the Sacrament. The Priest also making himself Judge of every ones Preparation for this Sacrament, has it in his Power to admit to a Participation whom he thinks fit; as likewise to exclude whom he pleases from this necessary Means of Salvation: And hereby he is enabled to make his Terms with the People, who must be contented to save their Souls upon what Conditions he will admit. No wonder then, that so great a noise has been made concerning this Sacred Commemorative Repast. That Christian Communion which you read of as practised in the Apostles Days, was nothing else but a Religious Conversation of Christians one amongst another. 'Twas for Society-sake that they went from House to House, that they ate and drank together frequently——Now it's plain, that this sort of Religious Conversation may be kept up among Christians without either Priest or Altar, or any set Form of Prayer, or Praise. It was long after the Apostles were dead and buried, before the Temples were built, and Altars erected, or set Orations were made to the People in Churches. And what if you should further consider, if there be any part of this Primitive Church-Communion that might not have been performed by a Woman as well as a Man——When the Primitive Christians met together to break Bread, from House to House, had any of these Women craved a Blessing on that Bread, we have no reason to doubt but that God would have heard her Prayer.

The next out of a *Letter concerning Enthusiasm.*

p. 59. *Clerk Reads.*] Is the doing good for Glory's sake so Divine a thing? Or is it not diviner to do good even where it may be thought inglorious, even to the ungrateful, and to those who are insensible of the good they receive? How comes it then, that what is so divine in us should lose its Character in the Divine Being? And that, according as the Deity is represented to us, he should more resemble the Weak, Womanish, and Impotent Part of our Nature, than the Generous, Manly and Divine? *Ibid.*

*Ibid.* p. 60. One would think it were easie to understand, that Provocation and Offence, Anger, Revenge, Jealousie in point of Honour, or Power, love of Fame, Glory, and the like, belong only to limited Beings, and are necessarily excluded a Being which is perfect and universal.

*Ibid.* p. 61. It is Malice only, and not Goodness, that can make us afraid.

*Ibid.* p. 62. So that we have only to consider, whether there be such a thing as a Mind that has relation to the whole, or not: For if there be no Mind, we may comfort our selves however, that Nature has no Malice.

*Ibid.* p. 63. For no Body trembles to think that there should be no God, but that there should be one.

*Ibid.* p. 69. I am not a Divine good enough to resolve what Spirit that was which proved so catching among the ancient Prophets, that even the Prophane Saul was taken by it.

The next out of a Book, call'd, *A Brief but Clear Confutation of the Doctrine of the Trinity.*

p. 9. Clerk Reads.] The Divinity attributed to the Son and Holy Ghost, is unscriptural and Idolatrous.

*Ibid.* p. 10. This one Fundamental false Principle, as well with Jews and Turks, as Heathens, has done more Mischiefe to Christianity than all our other Errors besides.

*Ibid.* p. 11. For my part, I declare I shall never more admire at the Absurdity of either Papists, Turks or Heathens; be they as gross as they will, I am sure they will never be able to exceed this Doctrine.

*Ibid.* p. 14. To be short, Trinitarianism is Polytheism, and Idolatry; if there be any such thing in Nature.

Revelat. 17. 5. *And upon her Forehead was a Name written, Mystery, Babylon the Great, the Mother of Harlots, and the Abominations of the Earth.* And to what, I pray, in Popery can that Word *Mystery* there so properly relate, as to the Trinity?

The next out of *Brief Notes on the Creed of Athanasius.*

p. 7. Clerk Reads.] A Belief in these Points, that have been always controverted in the Churches of God, is in no degree necessary, much less necessary before all things.

And now I appeal to all Men that have any Freedom of Judgment remaining; whether this Creed is fit to be retain'd in any Christian, much less Protestant and Reform'd Church? Since it subverts the Foundations, not only of



Christianity, but of all Religion, that is to say, Reason and Revelation.

Then Mr. Dee mentioned a Book mark'd with the Letter L, call'd, *An Account of the Growth of Deism*, out of which the Clerk read what follows ;

p. 17. Many Doctrines are made necessary to Salvation, which it's impossible to believe, because they are in their Nature Absurdities. I reply'd, that these things were Myseries, and so above our Understanding. But he ask'd me, to what end could an unintelligible Doctrine be revealed? Not to instruct, but to puzzle and amuse.

*Ibid.* p. 22. One of my old Acquaintance always thought the moral part of the Bible very good, but then he also thought that by the Strength of his own Reason he could have written as good a Moral himself.

*Ibid.* p. 24. If you look over the State of Religion, as it standeth in Chritendom, there is no Church whatsoever which will accept you as a Member of its Communion, but upon some particular Terms of Belief, or Practice, which Christ never appointed, and it may be such as an honest and wise Christian cannot consent to——It looks like a Trick in all Churches to take away the use of Mens Reason, that they may render us Vassals and Slaves to all their Dictates and Commands. But what greater Slavery than to force on Men a Belief of such things as necessary to Salvation, of which it's not possible to form any Idea? Though I am satisfied there is no such Thing as a Change of Bread into the Flesh of Christ, yet I can form an Idea that such a Thing may be, that the same Power that changed Earth into a Man, may change Bread into Flesh; but I can frame to my self no Idea of what your Church teacheth in the Sacrament, *That the Body and Blood of Christ are verily and indeed taken and receiv'd of the Faithful*. And when I ask, how can this be understood by a Protestant who believeth that there is no other Body but that of Bread? I am told that the Church means it in a Spiritual Sense. Now I have try'd, and find it impossible for me to form my self an Idea of a Body verily and indeed in a Spiritual Sense.

*Ibid.* p. 25. Your Church will require me to believe other Absurdities as bad as these; as that Kings and Bishops have a Divine Right to that Power which they exercise over us; whereas with my own Eyes, I saw our great and gracious King accept the Crown of *England* as the Gift of the People. And I see as plainly that Bishop's are an Order of Men of their own (not of Christ's) making.

*Ibid.*

*Ibid.*  
given  
Body e

The  
upon t

p. 31  
monies  
good f  
Men.

*Ibid.*  
venges

Mr.  
gumen

p. 30  
the De  
these v  
vil; u  
of the  
them c  
ther, I  
therefo  
from t  
of it,  
not h  
ing th

*Ibid.*  
Christ,  
Saviou  
what  
you kn  
eatest  
viour  
he'll fa  
Pardon  
Do bu  
And  
Creed  
ment,  
mine t  
lieve i  
Part o  
Doctri  
whole  
the U  
withst

*Ibid.* p. 26. I can find no Footsteps of any Jurisdiction given to the Twelve over the Seventy, or indeed over any Body else.

The next said Mr. *Dee*, is, *The History of Religion*, whereupon the Clerk Reads.

p. 310. Strange and puzzling Methods of religious Ceremonies and Mysteries, and of various Rights of sacrificing, good for nothing but to confound and distract the Minds of Men.

*Ibid.* p. 312. In very deed, Creeds were the Spiritual Revenges of Dissenting Parties upon one another.

Mr. *Dodd*, having in the next Place call'd for *Asgyl's* Arguments, the Clerk Read.

p. 36. God told *Adam*, that if he did eat he should die; the Devil told *Eve*, that they might eat and not die; and these were the first Words spoken to Man by God, or the Devil; upon the Truth or Falshood whereof, the very Beings of them both were to depend for ever: For which ever of them could maintain the Truth of his Word against the other, he must have been God, and the other the Devil. And therefore God, having turn'd the Lie upon the Devil, he is from thence call'd a Liar from the Beginning, and the Father of it, and will never be believ'd again for ever. God could not have dispensed with his Word, without complementing the Devil with his God-head.

*Ibid.* p. 82. What is it that you do, or would believe of Christ, or in Christ? *Ans<sup>w</sup>*. Why, we believe him for our Saviour. Save you! from what? Why, from our Sins. Why, what Hurt will Sin do you? Why, it will kill us. How do you know? Why, the Law of God saith so. *In the Day thou eatest thereof thou shalt die*. Why, but then will not this Saviour save you from this Law, and from this Death? No, he'll save us from Sin. Why, then it seems you have got a Pardon for Horse-Stealing with a *Non-Obstante* to be hanged. Do but see now what a Jest you have made of your Faith. And yet I defie the Order of Priesthood to form a better Creed than this, without admitting the Truth of my Argument, or to make Sense of their own Faith without adding mine to it. It's much easier to make a Creed, than to believe it after it's made: Nor can any Man really believe any Part of the Gospel that doth not believe it all. For it is a Doctrine so dependant upon it self, that unless we know the whole of it from the Beginning to the End, we can't know the Use and Reason of any Part of it. Wherefore (notwithstanding this Inundation of Death in the World, and the

the Infection of Fear contracted upon Man from hence) I am not affrighted from re-assuming my Assertion at the Beginning, That this long Possession of Death over Man, is a Possession against Right.

*Ibid.* p. 97. Behold, ye Despisers, and wonder! Wonder at what? Wonder to see Paradise Lost, with the Tree of Life in the midst of it! Wonder and curse at *Adam* for an Original Fact, who in the Length of one Day, never so much as thought to put forth his Hand for him, and us, and pull, and eat, and live for ever. Wonder at, and damn your selves for Fools of the last Impression, that in the Space of 1700 Years, never so much as thought to put forth our Hands every one for himself, and seal and execute the Covenant of Eternal Life, and live for ever.

*Ibid.* p. 98. To be even with the World at once, he that wonders at my Faith, I wonder at his Unbelief. And stare at me as long as you will, I am sure that neither my Physiognomy, Sins, nor Misfortunes, can make me look so unlikely to be translated, as my Redeemer was to be hanged.

The next Quotation was out of a Book call'd, *Christianity not Mysterious*, as follows:

p. 80. God himself, nor any of his Attributes are Mysteries to us for want of an adequate Idea: no not Eternity.

*Ibid.* p. 107. As far as any Church allows of Mysteries, so far it is Antichristian, and may with a great deal of Justice, though little Honour, claim Kindred with the Scarlet Whore.

*Ibid.* p. 134. For to speak freely, Contradiction and Mystery are but two Emphatick Ways of saying nothing.

Contradiction expresses nothing by a couple of Idea's that destroy one another, and Mystery expresses nothing by Words that have no Idea's at all.

*Ibid.* p. 156. It will not be amiss to lay down a short Parallel of the ancient Heathen, and new-coin'd Christian Mysteries. And I shall endeavour so to do it, as to make it evident they were one in Nature, however different in their Subjects.

The next out of Sermons and Essays of Mr. *Whiston's*, thus:

p. 213. When the Scriptures speak of the one God, or of one God, they plainly and distinctly mean, one Original Fountain and Author of all Beings whatsoever; or mean thereby one Supreme God, the Father only.

*Ibid.* p. 215. The Moderns call'd these three Divine Persons but one God, and so introduced at least a new, and unscriptural,

Scriptur  
the Ch  
Mr.

an Err  
the Bo  
*Ibid.*  
with t  
Ghost,

The  
posing C  
p. 14  
Faith c  
That w  
ed. It  
table,  
though  
for its  
those w

The n

Page.  
Holy Sc  
make no  
if Jesus  
Powers,  
themselves  
Right i

Then  
that ref  
the Chri

p. 47  
commun  
sistent v  
wealth.

*Ibid.*  
the Lor  
stance c  
thence.

*Ibid.*  
their ow  
tal Right

*Ibid.*  
rector o  
Manage



scriptural, and inaccurate, if not a false Way of speaking in the Church.

Mr. *Dee* having taken Notice, that this Author makes it an *Errata*, that he has nam'd the Trinity, and put it out of the Book, the Clerk Reads.

*Ibid.* p. 415. *Errata*. Pag. 123. lin. 23, 24. To whom with the Father, and the Holy Ghost, read, in the Holy Ghost, and *dele* three Persons and one God.

The next was out of *The Unreasonableness of making and imposing Creeds*.

p. 14, 15. Clerk Reads.] But what Creeds and Articles of Faith can be produced that are not doubtful and disputable? That which goes under the Name of the Apostles not excepted. It being neither of undoubted Authority, nor indisputable, or unambiguous Sense in some Articles thereof; though it be generally received by Christians as Venerable for its Antiquity, and professed, or rather said, by all, even those who understand not what they say when they recite it.

The next out of, *An Account of the Growth of Deism*.

Page. 25. Clerk Reads.] If those Writings which they call Holy Scriptures are of their Side, as they all say they are, I make no doubt, but they are of their own inventing. And if Jesus Christ their Patron laid the Foundation of those Powers, which both Papist and Protestant Clergy claim to themselves, from under him, I think the Old Romans did him Right in punishing him with the Death of a Slave.

Then Mr. *Phipps* said, they should next shew some Papers that reflect on the Church and Clergy, and first the *Rights of the Christian Church*.

p. 47. Clerk Reads.] Not only an independent Power of Excommunication, but of Ordination in the Clergy, is inconsistent with the Magistrates Right to protect the Commonwealth.

*Ibid.* p. 104. The Scriptures no where make the receiving the Lord's Supper from a Priest necessary; nay, not one Instance of the Laity's receiving it so can be produced from thence.

*Ibid.* p. 237. It can belong only to the People to appoint their own Ecclesiastical Officers.—It's an inherent fundamental Right of all Communities.

*Ibid.* p. 240. None pretend to impose a Conductor or Director on another in Temporal Affairs, but every one is left to Manage them, as he thinks best for his own Interest, as being

ing presumed to understand it better than another; and therefore is to chuse his own Lawyer, Physician, Brewer, Baker, &c. and by the same Reason he ought to chuse his own Spiritual Conductor.

*Ibid.* p. 137. It's absurd to imagine every Christian is not capable of such Circumstances, as praying aloud, distributing the Bread and Wine, or (according to the present Mode) of sprinkling an Infant, and repeating a set Form of Words.

*Ibid.* p. 402. Have they not incerted this Power of theirs in an Article of the Creed, commonly called the Apostles, viz. *I believe the Catholick Church.*

We shall next offer the *Review*, said Mr. *Dee*, whereupon the Clerk read.

*Vol. 2. Numb. 112. p. 447, 448.*

Whether our Fathers had a Necessity to make those exclusive Laws, and impose as necessary their different Things acknowledged to be so, as Terms of Communion: Nor is this all, but supposing they had, which nevertheless I do not grant; then this Address is further press'd to your Lordships, to examine whether that Necessity does yet continue, or no? either of which will be the same thing; for if there either was not a Necessity at the time of their Enacting, or that Necessity does not yet remain, let which will happen to fall out, the Act of Uniformity, imposing such and such indifferēt Things, as Terms of Communion, will appear Scandalous to the Church, Injurious to the publick Peace, and a Grievance to the whole Nation.

*Ibid.* Vol. 3. Numb. 127. p. 106.

*Left it become a new, proverbial Jest,  
To be as wicked as an English Priest.*

*Ibid.* Numb. 27. p. 107.

I cannot but tell him, should I publish the Matters of Fact which I am Master of, with Respect to the High-flying Gentlemen of the Clergy; should I give a faithful Account of the most Infamous and Scandalous Behaviour, the Notorious Lives, the Beastly Excesses, and the furious Treatment of their Brethren the Dissenters, which on a small search I have been acquainted with; the Inferior Clergy of his Party would appear the most wretched, provoking, abominable Crew, that ever God suffered to live unpunish'd, since he destroyed *Sodom* and *Gomorrah* by Fire from Heaven.

*Ibid.* Vol. 2. Numb. 105. p. 418.

If Words could be made Treason, one third at least of the Inferior Clergy in *England* would be hang'd.

*Ibid.*

*Ibid.* Vol. 2. Numb. 36. p. 142.

I again Appeal to you, Gentlemen, Whether, generally speaking, all over this unhappy Nation, the Clergy are now, three Parts in five, in a close Conjunction with the Enemies of the Church's Peace, and the profess'd Enemies of the Government?

*Ibid.* Vol. 6. Numb. 118. p. 471.

Others, not so directly, but altogether as fatally, and tending to the same End, with subtle Designs to divide and amuse the People, by Preaching, Writing, and Printing, endeavour to revive the said exploded Doctrines of Non-Resistance, and absolute uncondition'd Obedience, as things the People of *England* ought to think themselves oblig'd by; which tho' in themselves of no force, yet manifestly tend to unravel the Constitution, to invalidate the Queen's Title to the Crown, and destroy the legal Authority of Parliaments in the Nation. An eminent Proof of which is now depending before the House.

*Ib.* Numb. 93. p. 371.

Drunkenness, Oaths, and abominable Lewdness; Ignorance, Negligence, and scandalous Insufficiency; abhorr'd Error, Deism and Socinianism, have over-run the Clergy.

*Observator*, Vol. 4. Numb. 89.

You know the Church he means is High-Church, which is a Fiction, a Church of the Brain, supported by a little, insignificant, trifling Number of Brainless People; and the People of *England* are no more concern'd about that Church, than about the Institutions of Government laid down in *Moor's Utopia*, *Harrington's Oceana*, or *Bacon's New Atlantis*; and all the Canons, Rites and Ceremonies of that Church are no more to be consider'd by you, or me, than so many Ballads, or *Duck-lane Penny Histories*.

*Ibid.* Numb. 67.

The Universities have large Endowments, which I fancy may be better employ'd for the publick Good than at present. Let you and I Vote them useless.

*Country-M.* With all my Heart, Master.

Then Mr. *Dodd* said, That the next thing they should go upon, was to shew several Passages which reflected upon the Queen, the State, and Ministry.

*Review*, Vol. 2. Numb. 80. p. 319.

*Clerk reads.*] In short, if *Jure Divino* comes upon the Stage, the Queen has no more Title to the Crown than my Lord Mayor's Horse; all the People are bound by the Laws of God to Depose her as an Usurper, and restore their Rightful and Lawful King *James* the Third.

*Ibid.*



*Ibid.* Vol. 3. Numb. 122. p. 486.

The Line of all the World fam'd for Blood, and that had ravag'd the best Families of the Kingdom.

*Ibid.* Vol. 2. Numb. 43. p. 170.

Ever since the coming of King *James* the First to the Crown, this Nation has been perplex'd with Divisions, Uneasinesses, Oppressions and Murmurings both in Sovereign and Subject.

*Ibid.* Numb. 44. p. 174.

Either the Dissenters had reason for former Discontents, and Reason to complain of Oppression, Persecution and Infringment of Privileges, or they had not. If they had; the Church was cruel, and the State unjust before, in laying those Loads upon them. If they had not; both Church and State were infatuated and delirious, in granting them the Toleration and Liberties since conceded.

*Ibid.* Numb. 46. p. 181.

If the next Parliament should pursue the Steps of the last, the Nation, in my Opinion, will be so much nearer that Crisis of Time, when *English* Liberty being brought to the last Extremity must open the Magazine of Original Power.

*Ibid.* Numb. 27. p. 166.

What can be said for Members sitting in the House to do nothing, making long Speeches without meaning, and voting Bills without design to have 'em pass?

*Ibid.* Numb. 123. p. 489.

The Ballance between 41 and 88 will appear to run against him; and the Difference between the dry Martyrdom of King *James*, by his Passive Obedient Church-Subjects, and the wet Martyrdom of King *Charles* the First by People that never made any such Pretence, will appear so small, that it is not worth Dr. D — 's while to meddle with it.

*Observer*, Vol. 2. Numb. 89.

*Country-M.* Pray, Sir, are there a great many of those People alive that cut off the Head of King *Charles* the First?

*Obs.* No, no; they are dead and gone a long time ago. However the Story serves some Men as Raw-head and Bloody Bones, to affrighten some, and calumniate others. Now for my part, I know nothing of the Business of King *Charles* I. I was born since the Restoration, and I have so high a value for the Prudence and Justice of our Forefathers, as not to condemn any of their Actions for the common Good. We are unkind to our selves in censuring the Justice of our Forefathers Actions, and thereby do give a Handle to our Successors to censure ours. Did our Forefathers detruncate the Father? Did not we depose the Son, and put one more Righteous in his stead? Did we not divest him of all his Regali-

ties;

ties, a  
future  
and th

I rec  
pists ha  
get suc

*Ibid.*  
I have  
come i  
it wou

They  
vator—  
would  
comm  
Fortun  
now de  
fine Cla  
on a M

I am  
thers,  
stances  
by a Bo  
*Ibid.*

trary P  
acknow  
assert,  
*Ibid.*  
call so.  
ice, or  
speak in  
consider  
without

*Ibid.*  
demn'd  
*Ibid.*  
how mu

*Ibid.*  
liaments  
made go  
their El  
without  
lectors o  
Jayl.

ties, and make him a Fugitive on the Earth? And may not future Ages examine the Difference between the Decollation and the Abdication?

*Ib. Vol. 4. Numb. 97.*

I recite this to let you know the Encouragement the Papists have had in this Reign; when by their Interest they can get such as write against them Prosecuted, &c.

*Ibid.* Should I tell you, honest Countryman, the Accounts I have had of the Numbers of Popish Priests and Emissaries come into *England* the first two Years of Her Majesty's Reign; it would make your Hair stand on End.

*Ibid. Vol. 3. Numb. 15.*

They would have but a sorry Foot Soldier of the Observer——And yet I have been where those People that would send me durst not come, and where perhaps I have commanded better Men than themselves. It has been my Fortune to be in a fighting Army, under a General that we now dearly want; who did not use to return from the War, *sine Clade Victor*; and then ride in Triumph over his Queen on a Medal.

*Ibid. Vol. 3. Numb. 99.*

I am sorry that the Folly of some, and the Bribery of others, have brought us into such amazing and dismal Circumstances that either our Liberties must be lost, or be maintain'd by a Body that is neither of us, nor from us.

*Ibid.* I shall produce my self as an Example of the Arbitrary Power of this Parliament; and the Man that does not acknowledge their Proceeding against me to be Arbitrary, must assert, that an Arbitrary Power was never executed.

*Ibid.* Now if this ben't Arbitrary, I don't know what to call so. The *Spanish* Inquisitors have so much Regard to Justice, or the Shew of it at least, that they'll suffer a Man to speak in his own Behalf, &c.—Now, Countryman, do but consider my Case; I was sentenc'd to the Loss of my Liberty without being heard.

*Ibid.* Which plainly shews that what the Commons condemn'd me for would not bear an Action at Law.

*Ibid.* My Intent is to inform such as you, honest Roger, how much you have been abused by your Representatives.

*Ibid.* This Parliament is the very Reverse of former Parliaments; as they were merciful, this was cruel; as they made good and wholesome Laws to preserve the Liberties of their Electors, these took away the Freedom of their Electors without any Law; as they us'd all Means to keep their Electors out of Jayl, these used all Means to put 'em into Jayl.

*Ibid.*

*Ibid. Vol. 2. Numb. 99.*

*Obs.* Honest Country-man, what wou'dst thou have me do? If I must run thro' all the Lists of Knaves, I must bring in all the Courts, all the Employments, all the Classes of publick Affairs in the Nation.

*Review, Vol. 2. Numb. 2. p. 5.*

I really find the State of *England* in general to be thus. Its Trade under a sensible miserable Decay in all its Branches. — Its Navy great and flourishing, but all her well-laid Designs either defeated in their Preparations, by the miserable Methods, and ill Government, with Relation to Seamen, or disappointed by the ill Conduct or Cowardice of her Commanders. In civil Concerns, in the utmost Confusions of Parties — blending together the most absurd Contradictions, such as propagating Religion by a scandalous Ministry — reforming Manners by debauched Magistrates; and chusing men to make Laws, by Bribery and Corruption.

The last Quotation offer'd that day was out of, *The Divine Rights of the British Nation vindicated, as follows.*

*Pag. 105.* And if he will but stay till the end of this present Session of Parliament, he'll find several new Powers annex'd to the Regal Office, and perhaps some made void and repeal'd for the Publick Good.

After this Mr. *Dodd* said, they had done with their Proofs; and gone over the Heads of Blasphemy, Irreligion and Heresie; the Church, the Queen, Ministry, and all Orders of Men reflected upon; Adding, they had cited these Books and Passages not to reflect on the Government, but as those which put the Doctor in some Heat and Concern both for the Church and State, and they hoped their Lordships would make the best Construction of the Doctor's Intentions in this Matter. Mr. *Phipps* said, that if Blasphemy and Irreligion can endanger the Church, if Treason and Rebellion can endanger the Nation, He thought, with great Submission, the Doctor had made good his Answer, and therefore was not guilty of any Part of this Article. Then Mr. *Dee* begg'd leave that they might apply some part of the Proofs they had read that Day to the Fourth Article. And Mr. *Phipps* having acquainted their Lordships, that the other Article would be longer than would be fit to trouble their Lordships with now; they should be ready to proceed when it was their Lordships Pleasure:

*Whereupon the Lords Adjourned to their House above.*

On



On Tuesday, March the Seventh.

**T**HE Lords coming down into Westminster-Hall, and being seated in the manner before mentioned, the Commons and their Managers having taken their Places, the Queen being present, and Dr. Sacheverell appearing at the Bar with his Council, the Lord-Chancellor told the latter, they might proceed in his Defence.

Mr. Dodd's **W**Hereupon Mr. Dodd said, That the Fourth Speech. Article contain'd several Heads. 1. That the Doctor suggests, Her Majesty's Administration tends to the Destruction of the Constitution. 2. That there are Men of Character and Stations in Church and State, who are False Brethren, who undermine and betray, and put it in the Power of others to overturn and destroy the Constitution. 3. That the Doctor charges Her Majesty, and those in Authority under Her, with a General Male-Administration. 4. That he persuades the Subjects to keep up a Distinction of Faction and Parties, instills Jealousies, foment Divisions, and stirs up the Subjects to Arms, and perverts several Texts of Scripture. That as to the first, the Doctor was so far from suggesting, that Her Majesty's Administration tended to the Destruction of the Constitution, That he had not said any thing that could bear such a Construction. That the Doctor denied that he had made any mention of Her Majesty's Administration in Church or State in his Sermon; therefore how could he argue that it tends to the Destruction of the Constitution? That he took all Opportunities to speak of the Blessings we enjoy under Her Majesty's Government; pray'd for her Preservation, and that she may long Reign for the Comfort and Support of the Church; and profess'd what he spoke proceeded from a tender Concern for Her Majesty and Her Government: So that there was little Occasion for such a Charge against him.

That the Second Part of the Article is, That there are False Brethren that are Men of Character and Station in Church and State, who undermine and betray, and put it in the Power of others to overturn and destroy the Constitution. That the False Brethren by him described, are Persons who propagate false Doctrines, who give up the Discipline and Worship of the Church, who are for Neutrality in Religion, or who wish well to the Church, but do not shew their Zeal in obeying her Precepts, and defending her Rites. That these are the

D d

False

False Brethren intended, which was very different from the Allegation in the Impeachment. That as to that Part of the Charge, of putting it in the Power of others to destroy the Constitution, he did not mention Men of Characters and Stations in this Place; but in Page 15, where this Passage was supposed to be contained, and yet it is twelve Pages after before those Words were mentioned. That they were not join'd together as was suppos'd by the Article, which was a Conjunction of Passages not relating to one another. That the Betrayers of the Constitution, to whom the Dr. did refer, were such as by Writing endeavour'd to subvert the Foundation of our Church and State, such as were of a Latitudinarian Principle, who neither believe her Faith, own her Mission, submit to her Discipline, or comply with her Liturgy: not such Persons or Things as are pretended by the Article.

That as to a general Male Administration under Her Majesty, he abhor'd the Charge, and had no where said it. But always, as a good Subject, mentioned Her Majesty with the profoundest Duty and Respect; nor did he tax any in Authority with a Male Administration; That the Dr. has on all Occasions, as a good Subject, justified Her Majesty's Title; and particularly at the Beginning of this War, he Preached a Sermon at Oxford before the University, therein justifying Her Majesty's Title to the Crown, and Her entering into the War against France and Spain: That as to the charge of endeavouring to keep up Distinction of Parties, he was so far from it, that he complains of those that have divided us with a Distinction of High and Low Churchmen, *they have villainously divided us with Knaveish Distinctions*; and what could he mean by all this, but a Service to the Government, and that they which raise such false Insinuations, such Fears and Jealousies, are the People he intended and complains of? And as he has done that, so he took all Opportunities to pray that we may be one Fold, under one Shepherd; and that all invidious Distinctions might be laid aside. That the next thing was, the raising these groundless Fears and Jealousies that were suggested: That as to that, the Passage they read before was quite opposite; the Dr. rebuking them that do it as *Ill Christians*, and *Ill Subjects*; and as to stirring up Her Majesty's Subjects to Arms and Violence, he abhor'd it, and throughout his Sermon asserted the Doctrine of *Non-Resistance*, which is quite contrary to this part of the Charge, altho' he conceived it to be the Ground of the Impeachment.

That there was Notice taken of a Passage (that has little in it) exciting Christians to put on the whole Armour of God: But sure that being distinguish'd from the Arms of *Flesh and Blood*, it could not be so misinterpreted as to be under-

stood

stood of any earthly Power whatsoever : For as it is in the Scripture, so it was in the Doctor's Sermon, *the whole Armour of God ; Patience, Submission, &c.*

That as to the Charge of perverting several Texts of Scripture to make ill Impressions on the People, he denied it, and had no ill Impression to make on any Person whatsoever : His Work being to do good, and make good and religious Impressions on his Hearers. But he thought it hard when he cited Texts of Scripture against Vice and Immorality, by a Construction in Prejudice of the Preacher, those Texts should be said to be applied to particular Persons. That the Story of the Prophet in the 2d of *Kings*, chap. 6. as Printed in the Doctor's Sermon, was mistaken ; but the two Reflections made upon it were very unnatural, and not credible. The first Inference was, that he had it by Hearsay, and that he had not read it : But sure, their Lordships could not think, but that he, that was a Doctor of Divinity, and had been a Student in the University of above 20 Years standing, and constantly keeping to the Church, had read every Chapter of the Bible ; but then it was turn'd the other way upon him ; that, taking it to be so, then he represented himself to be the Prophet that could see the Danger, and made the Lords and Commons the People that were blind. That this he suppos'd, was intended to be wittily said ; but if it were seriously, and without Raillery considered, there was no Wit or Sense in it. That he mention'd not the Lords and Commons at all ; but true it was, he, as a Preacher, warn'd the People to have their Eyes open to see the Dangers of Sin and Vice ; so that they apprehended there was no Ground from that Passage to charge the Doctor with corrupting the Scripture.

That the next Text that was quoted against the Dr. upon this Head was, *Blow the Trumpet in Zion, sound an Alarm* : That it was urged by the Gentlemen Managers, That this could be for nothing but for War, and this 'twas pretended was only to be done in time of War, when the Priests with the Silver Trumpets were to sound to Battle. But that this could not have that Construction ; for whoever look'd into the Scripture, particularly into the Prophet *Joel*, and other Places, where that Expression is used, would find it is to proclaim a Fast : That the Allusion is carried by an Elegancy to the Trumpet, to shew the generality of it, and that all the People should humble themselves before the Lord : And to make this Sedition, to infer it to be to excite the People to War and Rebellion, was not right Reasoning, nor was there the least Colour for it.

That another Quotation was much pressed upon the Dr. where speaking of the Church, he cites that Passage out of



the *Lamentations*; her *Adversaries* are chief, and her *Enemies* at present prosper: As if the Dr. had an Eye in it on the Ministry. But this they thought, was straining the Words beyond their Sense or Meaning; for, first, he did not say her Adversaries are the chiefest, but in the lowest Degree of Comparison, her Adversaries are chief; that is, that amongst her Adversaries there are some considerable Persons, some Men of Estates and Figure. That this, they thought, appear'd the Day before in the Pamphlets that were read, some whereof were supposed to be wrote by no mean Persons; that the Dr. cited the Words of Scripture, and they thought it could have no ill Construction. That as to the second Part of the Expression, *Her Enemies at present prosper*, they were the Words of the Prophet, and how true in the present Case they must submit to their Lordships, upon what had been already offered, whether any ill Construction can, or ought to be made of them. That neither the first nor second Part of these Words are determined to any particular Persons; and so they hoped no Offence could be taken at them; nor any such Inference drawn from them, as had been endeavoured to be represented to their Lordships. That the Doctor declared in his Sermon, that he hoped what he had spoken would be without any Offence, as it proceeded from an honest and good Intention, and a tender Concern for Her Majesty's Person and Government; and an hearty Zeal for the Honour and Safety of our excellent Church and Constitution: And so they hoped their Lordships would contrive and intend it: Concluding, that they would read no more than two or three Proclamations; the first against Vice and Immorality, and to stir up Magistrates to take care to execute the Laws. A second taking Notice that Her Majesty's Command had not been obeyed, nor the Laws executed to suppress Vice, and commanding the Magistrates to be careful to do their Duty herein: And, thirdly, a Direction that this Proclamation should be read to the People out of the Desk: And sure, said he, the reading them there, and preaching them, or the Subject Matter of them, in the Pulpit, are consistent together.

Mr. Phipps's **M**R. Phipps who spoke next, said, they Speech. thought there was no Necessity of giving any Answer to the Fourth Article of Impeachment, because they apprehended there was not any Offence charg'd upon the Doctor in that Article; for the Article saith, that *the Doctor doth falsely and maliciously suggest, &c.* That to suggest can amount to no more than to insinuate, and is far short of an Averment or Assertion; and whether a bare Suggestion or Insinuation can be a sufficient Foundation to ground an Impeachment,

peachment, was submitted to their Lordships. But since it was made an Article against the Doctor, they humbly hoped they should give as full an Answer to the Suggestions and Insinuations contain'd in that Article, as they had to the Offences charged in either of the other Articles. That the first Part of the Article saith, *That the Doctor doth falsely and maliciously suggest that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution.* In Answer to which it was offer'd, That the Doctor doth not any where mention Her Majesty's Administration, either in Ecclesiastical or Civil Affairs. That he esteem'd it one of the greatest Blessings and Deliverances, *That Her Majesty now happily sits on the Throne of Her Ancestors*; he pray'd, that God would long preserve Her, for the Comfort and Support of the Church; he profess'd, *That what he spake proceeded from a tender Concern for Her Majesty and Her Government, and an hearty Zeal for the Honour and Safety of our excellent Church and Constitution*; he solemnly declared, *That his only Aim and Intention was earnestly to contend for the Safety, Rights and Establishment of Her Majesty, together with those of the Church*: And how after all this could it be Inferred, he suggested that Her Majesty's Administration, in Ecclesiastical and Civil Affairs, tended to the Destruction of the Constitution, without carrying Innuendo's farther than ever had been attempted? That as for that Part of the fourth Article, which chargeth, that *the Doctor doth suggest that there are Men of Characters and Stations in the Church and State, which do themselves weaken, undermine and betray, and do encourage and put it into the Power of others, who are profess'd Enemies, to overturn and destroy the Constitution and Establishment*; the Doctor denied he suggested any such things concerning Men of Character and Stations. That he could not but observe what Art had been used to make up this Article, and he did not doubt but their Lordships would be of that Opinion; for the Doctor, in Page 22, mentions Men of Character and Stations, but does not mention Men of Character and Station in Church or State; but says, *there are Men of Character and Stations that shift and prevaricate with their Principles, and start from their Religion upon any Occasion of Difficulty*; which is a Charge upon them in their private Capacity, and does not charge them with any Misbehaviour in their Stations, or in any thing relating to the publick Administration; nor does he mention in that Place their Weakening, Undermining and Betraying, or the Encouraging or putting it in the Power of our profess'd Enemies to Overturn and Destroy the Constitution and Establishment. That in Page 15, where he mentions *the Weakening, Undermining and Betraying in themselves, and*

*the Encouraging and putting it in the Power of our professed Enemies to Overturn and Destroy the Constitution and Establishment of both; there he does not mention Men of Character and Stations, but chargeth the Weakening, &c. on the False Brethren in Church and State; so that he thought it very hard that a part of one Sentence in Page 22, should be brought back seven Pages, and coupled with part of another Sentence, Page 15, and put together as one Sentence, to make an Article of High Crimes and Misdemeanors; whereas one of the Sentences hath no manner of Relation to, or Dependence upon the other, and neither of the Sentences alone can amount to or be charged as a High Crime and Misdemeanor. That by this Method they might have charged him with High Treason, or any other Crime. Nay, make the Scripture it self speak Blasphemy.*

‘ But suppose, said he, it had been one entire Sentence, had this been a Ground for an Impeachment? By Men of Characters and Stations, must Men of the highest Characters and Stations be necessarily understood? No, my Lords: Are not Inferior Officers, even Constables, Mayors, Justices of the Peace, Officers of the Militia, Deputy-Lieutenants, Officers of the Army, Officers of the Customs, and other Branches of the Revenues, all Men of Stations? And are not some of these Stations very good ones? And are not many of the Persons that enjoy them Men of Characters too? And if among all these there may be found some whose Consciences are so tender, that they think it a Sin to Communicate with the Church upon any other Account than to Qualifie themselves for their Offices and Stations; and such who Vilifie her Orders, Calumniate, Misrepresent and Ridicule her Priests and Professors; is it a High Crime and Misdemeanor in the Doctor to call such Persons False Brethren, and to Suggest that they are Enemies to our Constitution, and that they endeavour to Weaken and Undermine it? And yet this is all that can be inferr’d from these two Pieces of Sentences put together, to form this Article. And does this bring the least Blemish or Reflection on the Ministry, or those of the highest Character and Stations in the Church? By no means; for the Ministry presumes that Men in those Inferior Stations are well-affected to our Constitution, when they qualifie themselves according to Law, by taking the Sacrament and Oaths; and if any of them are not so, it cannot be presumed to fall under the Notice of the Ministry: And in many Cases, if they did know it, yet it would not be in their Power to Redress it. He added, That he remembred one Instance; in an eminent Borough in this Kingdom; that



it was proved, at the Hearing of an Election for that Borough, that the Mayor declared that no Person should be admitted into the Corporation, and qualified to Vote for Members of Parliament, but such as were Dissenters from the *Test*; so that there may be Mayor, Alderman, and the whole Corporation who may take the Sacrament in the Church of *England*, and the Oaths, and yet every one Dissenters; And they may Elect Persons into much higher Stations, if they please, which are equally Disaffected to our Church, and it is not in the Power of Her Majesty or the Ministry to help it. And when there were such found among us, whether the Doctor, when he charged them for being *False Brethren*, could be said to reflect on the Ministry, and be guilty of High Crimes and Misdemeanors, he submitted to their Lordships. That the Learned Gentleman who spoke first to this Article, seemed to allow that Men of the highest *Character* and *Stations* were not intended; but he objected, that to charge the Inferior Magistrates with a Neglect of their Duty, was charging the Government with Male-Administration; in which *Mr. Phipps* could not concur with him. But as this Case was, he took it to be plain, that to charge Inferior Officers or Magistrates with a Neglect of their Duty, could not Reflect on Her Majesty's Administration; for there were Magistrates which Her Majesty could not remove; there were Neglects which Her Majesty or Her Ministry could not be presumed to know, and to set this in a true Light, and to give a full Answer to this Objection, they had Her Majesty's Authority to vindicate the Doctor in this Point; for Her Majesty charged the Magistrates with a Neglect of their Duty, and carried the Charge higher than could be infer'd from the Doctor's Sermon; meaning the several Proclamations that had been issued by Her Majesty, by the Advice of Her Privy-Council (which are Her Ministry) for suppressing Prophaneness and Immorality. That those Proclamations take notice of the several Acts of Parliament against Prophaneness and Immorality, and charge the Inferior Magistrates with a Neglect of their Duty, in not putting those Laws in Execution; And was it an Offence for the Doctor to mention that in his Pulpit, which had been so often repeated by Her Majesty under Her Great Seal?

That it had been objected, that the Doctor, speaking of the Church, says, that *Her Adversaries are Chief*: Which was a Quotation out of Scripture, signifying that they are Mighty; but that this Reflected on the Ministry, or Her Majesty's Administration, he could not apprehend. That it was also objected, that the Doctor, Page 5, saith, *That the Communion of the Church hath been rent and divided by Faction and Schismatical*

*tical Impostors, &c.* That the saying, this was done with Impunity, was no Reflection on the Administration; for he thought it was sufficiently proved to their Lordships the Day before, that Blasphemy, Atheism and Prophaneness have been justified in Print; that the Worship and Discipline of the Church hath been prophaned and abused, her Orders denied and vilified, her Priests and Professors calumniated, misrepresented and ridicul'd; that Trumpets have been sounded to Rebellion; that Her Majesty and Her whole Administration have been Reflected on; and that it hath been done with Impunity hitherto, he believed would not be denied, for he had not heard that any of these bold Offenders had yet been punish'd; and that the Inferior Magistrates had neglected their Duty in that respect, they had Her Majesty's Authority for it. But that this was a Reflection on Her Majesty, or Her Ministry, was totally denied; for the Execution of the Laws against such Offenders was within the Province of Inferior Magistrates; and God forbid that the Faults of Inferior Magistrates should be charged upon Her Majesty. That the several Proclamations issued out by Her Majesty, by the Advice of Her Privy-Council, shew, Her Majesty and Her Ministry had done all that in them lyes to suppress Blasphemy, Prophaneness and other Vices, and that the Fault and Neglect lyes intirely at the Door of the Inferior Magistrates: And that this sufficiently Answer'd the Objection, that what is charged upon Inferior Magistrates cannot Reflect on Her Majesty, or Her Ministry. And this was also a full Answer to that Part of the Fourth Article, which Accuseth the Doctor with charging Her Majesty and those in Authority, both in Church and State, with a general Male-Administration; to which I would only add what the Doctor had said in his Answer to this Article, viz. "That he abhors the Thoughts  
 " of bringing any charge against Her Sacred Majesty, whom  
 " he never mentions but in Terms of the profoundest Duty  
 " and Respect; That he doth not charge those in Authority  
 " with any Male-Administration; That he doth not so much  
 " as mention the Word *Male-Administration*, nor any other  
 " Word Synonymous with it, or from whence it can be in-  
 " ferr'd, or in which it is or can be imply'd.

That as to such Part of the Fourth Article, which charg-eth, that *the Doctor, as a publick Incendiary, persuades Her Majesty's Subjects to keep up a Distinction of Factions and Parties*; he invited the Dissenters to leave their Schism, and come sincerely into the Church. That he complain'd of those who had villainously Divided us with the knavish Distinctions of *High and Low Church*, and wish'd, *We were all one Fold under one Shepherd*, and that all those invidious Distinctions, that

distract

distract  
 thing  
 Charg  
 been  
 come  
 Terms  
 come in  
 divine  
 Constit  
 down,

Tha  
 the Do  
 destruc  
 Found  
 Conde  
 groun  
 Confu

Tha  
 eth, T  
 Arms a  
 up Pe  
 Resist  
 again  
 Sermo  
 Passag

Tha  
 mon,  
 Armour  
 the De  
 gainst  
 Darkn  
 ces,

Doctor  
 sist, is  
 they t  
 mour c

Armou  
 spoke  
 ritual

tual M  
 same M  
 this

the el  
 St. Pa  
 ing, 1  
 Chapt  
 and An

distract and confound us, were lost. So that there was nothing in his Sermons which could be a Foundation for the Charge in this Branch of the Fourth Article. That it had been Objected, That tho' the Doctor invites the Dissenters to come into the Church, yet he invites them upon his own Terms: *And I hope my Lords, said Mr. Phipps, they shall never come in upon any other Terms than their Conforming to the Doctrine and Discipline of our Church. I hope I shall never see the Constitution of our Church weakned, and her Pales and Fences broke down, to let her Enemies into it.*

That as to the other Part of the Article, which chargeth the Doctor with *instilling groundless Jealousies, and fomenting destructive Divisions among Her Majesty's Subjects*, there was no Foundation for it; for, on the contrary, he Rebuked and Condemn'd those who by false Insinuations, and raising groundless Jealousies and Fears, embroil and bring it into Confusion.

That as to that Part of the Fourth Article, which chargeth, That *the Doctor excites and stirs up Her Majesty's Subjects to Arms and Violence*; If Preaching up *Passive Obedience* be to stir up People to Rebellion; If Preaching up the *Illegality of Resistance* be to excite Her Majesty's Subjects to take up Arms against Her, he own'd there was a sufficient Ground in his Sermon for this Charge, but otherwise there was not one Passage in the Sermon to warrant this Accusation.

That he did admit the Doctor, in the last Page of his Sermon, had this Exhortation of St. Paul's; *Put on the whole Armour of God, that ye may be able to stand against the Wiles of the Devil; for we wrestle not only against Flesh and Blood, but against Principalities, against Powers, against the Rulers of the Darkness of this World, against spiritual Wickednesses in high Places.* I pray, my Lords, said he, what is it that the Doctor in the Words of St. Paul advises his Auditors to resist, is it not *the Wiles of the Devil*? With what Armour are they to resist? 'tis with *the Armour of God*. What is the Armour of God? Are Guns, or Swords of Iron or Steel, the Armour of God? He added, That the learned Manager that spoke to this Point said, the Doctor could not mean the spiritual Armour, because he departed from the Apostle's spiritual Meaning. And to make good this Charge, he used the same Method that was taken to make up the First Part of this Article; for the Words cited by the Doctor were the eleventh and twelfth Verses of the sixth Chapter of St. Paul to the Ephesians, and to find out the Doctor's Meaning, he went back to the thirty first Verse of the fourth Chapter, where St. Paul saith, *Let all Bitterness, and Wrath, and Anger, and Clamour, and Evil-speaking be put away from you,*  
with



with all Malice. And why this should be alledged to shew what the Doctor meant, when in the Words of St. Paul he advised his Auditors to put on the Armour of God, he could not imagine. That if he had read but two Verses after those Words cited by the Doctor, he would have found the Armour of God to be *The Sword of the Spirit, the Shield of Faith, the Breast-plate of Righteousness, and the Helmet of Salvation*; That the Doctor could mean no other Armour: And how Her Majesty, or those in Authority under Her, could be resisted by this Armour, or what Violence Her Majesty's Subjects could use with these Arms, he submitted to their Lordships. That 'twas plain, that the Principalities, Powers and Rulers, here meant, are not earthly Principalities, Powers and Rulers, but the Principalities, Powers, and Rulers of Darkness, against which Guns and Swords are but a very weak and feeble Defence: Which Things being consider'd he thought there was nothing to be collected from this Paragraph, that could excite Her Majesty's Subjects to Arms and Violence, unless it be to take the Armour of God, to resist the Devil and all his Works; which he hoped was not a High Crime and Misdemeanor.

That as a further Evidence that the Doctor excited Her Majesty's Subjects to Arms and Rebellion, it was objected, that the Doctor, in his Sermon, Page 26, says, *Let us therefore, being well assured how much our Cause deserves, and how much at present it requires our bravest Resolutions, hold fast our Integrity and Religion without wavering, and earnestly contend for the Faith which was once delivered to the Saints.* That this was wholesome and religious Advice; that the more strongly and openly the Cause is oppugned, the braver Resolution it requires to defend it. That the Cause of Religion is attack'd by Atheists and Deists; the Cause of Monarchy by Asserters of Republican and Seditious Principles; the Cause of the Church, by Papists and Sectaries of all sorts; and therefore it requires our bravest Resolutions to defend the Church, the Queen, and the Constitution, with the same Zeal they are attack'd, as the Doctor explains himself, *Nor doubting, if we shew the same Courage and Indefatigable Zeal and Labour to defend, as our Adversaries to reproach, divide, and ruin our Church; neither their united Malice nor Power, nor all the Plots and Machinations of Rome, nor the very Gates of Hell it self, shall ever be able to prevail against Her.* And shall this, (said he) be construed to excite Her Majesty's Subjects to Arms and Violence?

That as to the last part of the Article, which chargeth, That *The Doctor doth wickedly wrest and pervert divers Texts of Holy Scripture*: It seem'd, the Printer of the Second Edition mistook one Text. That if the Doctor had perverted or wickedly

kedly  
secur  
groun  
mean

Up  
ing a  
be to  
Revo  
to the  
Doctr  
been  
ture,  
be con  
er Re  
Doctr  
happy  
Crim  
our C  
the A  
ses of  
Crime

Th  
accor  
to de  
will  
again  
Wor  
of Te  
Heav  
tion u  
the  
Article

Th  
and C  
ment  
tion b  
if to  
rebell  
be to  
minif  
the T

An  
nuanc  
Chur  
Athe  
in du  
in his

kedly

edly wrested the Text, he must have been subject to a Prosecution in another Place ; but it would not have been a ground for an Impeachment of High Crimes and Misdemeanors.

Upon the whole matter, That if Condemning the Dethroning and Murdering the Royal Martyr King *Charles the First*, be to cast black and odious Colours on the late King and the Revolution ; If the averring the utter Illegality of Resistance to the Supreme Power in *all things lawful* ; if Preaching the Doctrine of *Passive Obedience and Non-Resistance*, which hath been enjoined by our Church, and confirmed by the Legislature, and is the Doctrine of all Christian Churches, should be construed to be a Reflection on the Revolution, and a greater Reflection on it now, than the Preaching of the same Doctrine was in the Reign of his late Majesty, who was the happy Instrument of that Revolution ; if the Doctor be a Criminal for preaching that Doctrine which the Fathers of our Church, and other eminent Divines had Preach'd, with the Approbation and Applause of the Crown, and both Houses of Parliament, then the Doctor was guilty of the *High Crimes and Misdemeanors in the First Article*.

That if to wish that Dissenters, who qualify themselves according to the Act, may enjoy the full Benefit of it ; if to desire the Laws to be put in Execution against such who will not comply with the Terms prescribed by the Act, and against Atheists, Deists, and such who frequent no Religious Worship at all, and are particularly excepted out of the Act of Toleration ; and if to assert that a Sentence Ratified in Heaven cannot be reversed on Earth, be to affirm the *Toleration unreasonable, and the Allowance of it unwarrantable*, then the Doctor was also guilty of the *High Crimes in the Second Article*.

That if to assert the Prejudice the Church receives by Schism and Occasional Conformity ; if the shewing the heavy Judgments which may be brought down upon a Church and Nation by Blasphemy, Atheism, Prophaneness and Immorality ; if to shew the Danger the Queen and Church are in, by the rebellious Principles that are daily broach'd and publish'd, be to assert the Church is in Danger under Her Majesty's Administration, the Doctor was likewise guilty of the *Crimes in the Third Article*.

And lastly, That if to pray for Her Majesty's long Continuance on the Throne, for the Comfort and Support of the Church and Nation ; if to shew that the Laws against Atheism, Blasphemy, Prophaneness and Irreligion be not put in due Execution by inferior Magistrates ; that is, if to assert in his Pulpit what Her Majesty, by Advice of Her Ministry, hath

hath asserted in four Proclamations, be to reflect on Her Majesty and Her Ministry, and to charge Her Majesty with Male-Administration in Church and State; and if exhorting the People to *put on the Sword of the Spirit, the Shield of Faith, the Breast-plate of Righteousness, and the Helmet of Salvation*, to resist the Devil, and all the Powers of Darknels, be to excite Her Majesty's Subjects to Arms and Violence against Her Majesty; and if Preaching up Passive Obedience and Non-Resistance is to stir up People to Rebellion, then the Doctor was guilty of the High Crimes and Misdemeanors in the Fourth Article, especially if *strain'd, foreign and unnatural Inferences, Insinuations and Inuendo's* were to pass for Proof. But otherwise Mr. Phipps presum'd to say the Doctor was not guilty of any of the Offences charged in either of the Articles, and he humbly hoped their Lordships would be of that Opinion.

Mr. Dee's **M**R. Dee, who spoke next in the Doctor's *Speech*. fence said, that the Fourth Article was short of the former Articles in the manner of the Charge: For the first Part of it was a Charge upon the Doctor, that he suggests only, *That Her Majesty's Administration tends to the Destruction of the Constitution*. That as to this Part of the Article (as had been observed) there was no passage in the Sermon mentioning Her Majesty, but with the greatest Respect, and with hearty Prayers for her. That the Words *Ministers, or Ministry*, were not found in the whole Sermon: Therefore, to find any Charge on them by the Doctor, they must look to the Second Part of the Article, which charges the Doctor with suggesting, *That there are Men of Character and Stations who are False Brethren, and do undermine the Constitution, and endeavour to betray the Church, and consequently charge Her Majesty with a General Male-Administration*. That as to this Part of the Charge, viz. That the Doctor doth suggest, that Men of Character and Stations are Underminers of our Constitution, it was not to be found in any part of the Sermon; but if he did suggest that Men of Character and Stations (not saying of what Characters, or what Stations) are False Brethren (if their Lordships took Notice what those Men are, whom the Doctor calls False Brethren) it would not be a sufficient Ground for a Charge of High Crimes and Misdemeanors: That there were four sorts of Persons that the Doctor charged as False Brethren, Those that propagate False Doctrines, Those that give up the Discipline of the Church, Those that are for a Neutrality in Religion, and Those that own themselves to be of the Church, but live not according to her Rules. That to say that there are some Men of Character and Stations in the Nation that are False Brethren, within some one



one or other of these Descriptions, He wish'd he could say it was not true. But when the Doctor comes to charge some Persons as Underminers of the Church and Constitution, they were described to be either those Persons that subvert the Fundamentals of Religion, as Atheists, Deists, Socinians, and such like, or Occasional Conformists, Persons that creep into the Church only with a Design to do it Mischievous. And He thought these Persons might be justly said to be Underminers of the Church. That as to the General Charge against the Doctor, *that he excites the People to Rebellion*, if this could be naturally inferr'd from his Words, he must be guilty of Self-Contradiction, and ought rather to be pity'd as a weak, foolish Man, than punished as a cunning Incendiary: For when he had so positively affirmed the utter Illegality of Resistance to the Supreme Power, if any thing had dropt from him in the same Assembly tending to *Rebellion*, he would have expos'd himself to the utmost *Ridicule*. That Some things had been observed out of the Preface to his Sermon at St. Paul's; one Expression was that of *sounding a Trumpet*, which he should not have thought worth taking notice of, but that some of the Gentlemen did lay some stress on it, as if this were sounding an Alarm, exciting People to Arms. That he conceiv'd that the Words out of the Mouth of the Doctor bear the same Sense as out of the Mouth of the Prophet. But for fear he should be misconstrued, the Doctor explain'd himself by the Words immediately following, and shew'd that such Prohibition or Restraint laid on the Clergy, as are there suggested, are expressly contrary to the Command of God: His Words being these; *We are told by these Men, who would shut both our Eyes and our Mouths, in order the more effectually to undermine and destroy us, that the Pulpit is not a Place for Politicks, and that it is the Business of a Clergyman to preach Peace, and not sound a Trumpet in Sion; so expressly contrary to the Command of God, to cry aloud and spare not: So that these Words did plainly interpret what the Doctor meant by sounding a Trumpet.*

That there was another thing taken Notice of from this Preface, and that was the Encouragement he gives to People to Arms and Violence against such as would destroy the Church. &c. The Words of the Doctor are these; *If honest Men will sit still, and give up their Cause through want of Courage, or a just Sense of the dangerous Attempts of our Enemies, we may, without the Spirit of Prophecy foretel, what will become of our Constitution, when it is so vigorously attacked from without, and so lazily defended from within.* This was looked upon as dividing the People, and exciting them to make Resistance. But if the Gentlemen had looked a little before, in the same Paragraph, they would have found who the Assailants he mentions

tions were, and then they would not have blamed the Doctor for encouraging the People to make a vigorous Defence: That the Assailants are those that make Rebellious Appeals to the People, as the only Judges of Right and Wrong, and the *Dernier Resort* of Justice and Dominion: *These*, he says, *are the fashionable Methods now made use of to undermine the Church and Legislature, by breaking in upon the Prerogative of the Crown, by threatening them with imaginary Legions, and a popular Tribunal, where their Authority is to be tried and determined: To put a stop to this thing, is what he says is the Intent of his Discourse.* Now if these are the Persons that attack the Constitution, that appeal to the People as the only Judges of Right and Wrong, if these are the Assailants, surely the Doctor may encourage the People vigorously to defend themselves against them.

That there was one thing more taken Notice of by the Gentlemen Managers, that the Doctor had given great Offence to the Commons by an Expression he had made use of, by way of Exclamation, in the close of his Answer to the Articles, and that runs thus; *Hard is the Lot of the Ministers of the Gospel, if when they cite the Word of God in their general Exhortations to Piety and Virtue, or in their Reproofs of Mens Transgressions, or where they are lamenting the Difficulties and Confusions with which the Church of Christ, whilst Militant here on Earth, must always struggle, the several Texts and Passages by them cited shall be said to have been by them meant of particular Persons and Things, and shall be construed in the most Criminal Sense, and be made by such Construction one Ground of an Impeachment for High Crimes and Misdemeanors.* That if this Supposition, as the Doctor had put it, be turned into a Position, he hoped their Lordships would pardon him for his Exclamation. If Generals had not been tied to Particulars, to make up these Articles, then the Doctor had no reason to make this Exclamation; but if the Doctor's Sermon had been so treated, in order to frame the Articles against him, then he was not blamable for that Expression. That the Doctor had never before been charged with Disloyalty to the Government; he had always been a Man of that Probity, and of so blameless a Life and Conversation, that he had not been so much as attacked on that Account. And when a Man of his Character was brought before their Lordships for a Sermon preached in a publick Congregation, for a Doctrine that is the Doctrine of the Church of England, and for which he has the Authority of so many of the Fathers of that Church, as well as of many of her Learned Sons, by an Impeachment on that Account, surely he might be allowed to say this: *His Lot (at least) is hard, that he should be made the First and so Solemn*

Ex-

*Example, when he only followed so many and great Examples, as have been set him from the Beginning of the Reformation down to this Time.* Concluding, that when their Lordships consider'd the Circumstances of the Doctor, he hoped they would think that the Defence of this Prosecution must be a sufficient Punishment for any the Crimes he was charg'd with, and of which he could be supposed Guilty; and he submitted him and his Cause to their Lordship's Justice.

Dr. HENCHMAN'S **D**R. HENCHMAN, who spoke last in the *Speech.* Doctor's Behalf, said, That in the General Preamble to the Articles of Impeachment, Doctor Sacheverell was said to have preached and published two Discourses, with an *Intention to defame her Majesty's Administration*; and that this last Article contain'd several particular Charges of a very high Nature, and great Malignity against Her Majesty's Happy Administration.

That for a General Answer to this Article he must beg their Lordships Patience to look back again upon those Passages of this Sermon, which he offer'd to their Lordships Consideration under the Third Article, which would set the Doctor's Intentions in a clear Light. That in one of them he readily acknowledges the great Blessing we at present enjoy by Her Majesty's happily sitting on the Throne of her Ancestors; and in the other places where he mentions Her Majesty, it is with great Respect, and hearty Addresses to God long to preserve Her on that Throne; and at last, concludes with this solemn Protestation, That what he had then spoken proceeded from a good Intention, and tender Concern for Her Majesty's Person and Government, and a hearty Zeal for the Honour and Safety of our Excellent Church and Constitution. That some Regard is to be had to the Declarations of every honest Man, in relation to his own Thoughts and Intentions, which are known only to God and his own Conscience; and certainly when a Priest of the Church of England does, in the Presence of God, and Face of the Congregation, solemnly declare, that what he speaks is with a tender Concern and hearty Zeal for Her Majesty's Person and Government, no loose Words, or distant and unconnected Expressions, ought to be construed to a direct contrary Sense of so express a Declaration. That the Sense of these Words is plain and obvious to every Man's Understanding; but if a Passage in the two and twentieth Page of this Sermon, in it self, and as it stands in its proper Connection, not Criminal, must be construed by what is said in the fifteenth Page, little relating to the same Purposes, and both these Passages explain'd by a third still farther distant, by such a Method the most inoffensive Discourse might be



be made blameable, and it would be very difficult to make any Defence. That it had been objected by the Learned Managers that the Doctor chose an Unseasonable Time, and an improper Place, to vent his Notions in: But how did it appear, that either the one or the other was of his own Choice? Did it not rather appear, that he was call'd to perform that Duty by the Publick Magistrate, and that both the Time and Place were of his Appointment? Or how could it at this time be thought Unseasonable to maintain the Doctrine of our Church, when such Swarms of Infamous Libels are daily published in Opposition to it? Or what Place could be more proper for this Purpose; than that in which such Libels usually first appear, and most prevail? That whether the Doctor performed his Duty, by preaching that Doctrine there, which the Rubric of our Liturgy expressly commands him to teach on that Day; must be submitted to their Lordships. That certainly it will always be thought proper, on that Day, that our Church and State were delivered from a most horrid Popish Conspiracy, to preach against the Sin of Rebellion, and to shew that Resistance of the Higher Powers is the Doctrine of Papists, and first proceeded from them. That it was well known to their Lordships what the general Duty of Ministers obliges them to; but upon *State-Days*, when they are commanded by Supreme Authority, and directed by the Rubric, what Subject to treat of, it would be Contempt in them not to obey the Commands of their Superiors, or not to insist upon that Doctrine which they are peculiarly ordered to explain: And he humbly apprehended that those Reverend Prelates, some of whose Expressions were lately read to their Lordships, would not have received the Thanks of this Honourable House, if they had not adapted their Discourses to the Solemnity of that Day, which they then celebrated. That upon a general View of this and the other Articles, the whole Charge would appear to be supported, not by any one plain Proposition, but by Inferences and suppos'd Constructions. That it had been his (Dr. Henschman's) Endeavour, under every Article, to lay before their Lordships one or more clear passages of this Sermon, which sufficiently declare the Author's Intention as to that Article; and he must leave it to their Lordships Consideration how far an Intinuation or Inference would be outweigh'd by an express Declaration. That if there were any Words in this Discourse which seem'd to bear a doubtful Meaning, their Lordships would in all Cases incline to the most favourable Side; and in this Particular, the Character and Function of a Minister would deserve some more than ordinary Allowance. That it is a known Rule in the *Roman* Law;

Lav  
qui  
Coi  
be  
Rig  
mor  
by t  
this  
and  
stric  
a C  
meri  
such  
tion  
gree  
as R  
alwa  
the l  
cause  
this  
whic  
ough  
the C  
on o  
Lord  
blithe  
that  
ous P  
boure  
verre  
himse  
Af  
clama  
and P  
Libels  
the H  
St. J  
the E  
and P  
Af  
Two  
Laws  
purpos  
Lordsh  
Defen  
Lordsh  
self:

Law, *In ambiguis orationibus maxime sententia spectanda est egi qui eas protulisset.* Wherever Words are capable of a double Construction; there the Intention of the Speaker is chiefly to be look'd after, and attended to. That every Man has a Right to explain his own Intentions, and the darker and more obscure Expressions of his Discourse must be construed by those Passages which are more plain and explicit: That this is a Rule in all Civil and common Cases between Man and Man, but in Criminal Cases there that Law exacts a stricter and a nicer Proof; wherever the Life or Liberty of a Citizen is concern'd, there the Proofs ought to be *Luce meridiana claviora*, as evident as the Sun at Noon-Day, and such as will convince every one at first Sight. That he mention'd these Maxims of the Roman Law only as they are agreeable to the common Sense and Understanding of Mankind; as Rules of Reason and Equity, which their Lordships had always govern'd themselves by, and always would. That the last of 'em he mention'd with the greater Confidence, because he found it had once already received the Sanction of this Honourable House, in Sir Samuel Barnardiston's Case, in which it is declared, *That Imuendo's or suppos'd Constructions ought not to be allowed, for all Accusations should be plain, and the Crimes ascertain'd.* That this had once been the Resolution of this Honourable House, and they humbly hoped their Lordships would not depart from a Precedent so well established. Concluding, that one Part of this last Article was, that the Doctor had *wrested several Texts of Scripture* to seditious Purposes; but it had not yet appeared that he ever harboured one seditious Thought: And whether he had perverted any Texts of Scripture would be best explain'd by himself, when their Lordships should be pleased to hear him.

After this, at Mr. Dodd's desire, the Clerk read Two Proclamations; the First, *For Restraining the Spreading False News, and Printing and Publishing of Irreligious and Seditious Papers and Libels*, given at Whitehall the 26th day of March, 1702; in the First Year of Her Majesties Reign; the Second given at St. James's, the 25th day of February in the same Year, *For the Encouragement of Piety and Virtue, and for the Preventing and Punishing of Vice, Prophaneness, and Immorality.*

After the Reading of these Two, Mr. Dodd said, there were Two subsequent Proclamations pressing Magistrates to put the Laws in Execution in this case, but they were to the same purpose, therefore they thought they needed not spend their Lordships time to read them. That they had now done their Defence; only they had one Petition to make, that their Lordships would be pleased to hear the Doctor speak for himself: There being some things more proper for him to give

an Account of, than for his Council. That they apprehended the most proper Time would be after the Gentlemen Managers for the House of Commons had Replyed; but they thought it proper to mention it now, and humbly submitted it to their Lordships. Mr. *Phipps* added, that the Reason why they troubled their Lordships with reading those Proclamations, was to shew their Lordships, that the inferior Magistrates being negligent of their Duty, in putting the Laws in Execution against Prophaneness, Her Majesty put out another Proclamation to quicken them to it; therefore when the Dr. charged the Magistrates with a neglect of their Duty, it could not be understood to be a Reflection on the Queen or the Ministry, because their Lordships saw what great Care Her Majesty had taken; so that they thought this last Article was sufficiently clear'd by these Proclamations. Concluding, that they had not troubled your Lordships with the Journal of their own House in the Case of Sir *Samuel Barnardiston*: But if the Gentlemen of the House of Commons did not admit of it, they were ready to read it.

Hereupon Sir *Joseph Jekyll* said, he had the Commands of the Gentlemen employed in this Service with him, to mention to their Lordships, that they were under a great Surprise, that the Council for the Dr. should take upon them to propose to their Lordships, that the Dr. might speak after the Commons Reply; and that he had Instructions (since the Doctor's Council had referr'd some part of the Defence to himself) to tell the Dr. that if he had any thing to say for himself, now was his Time, before the Commons Reply; the Commons claiming it as their Right to speak last. Mr. *Dodd* submitted to it, and desired the Dr. to go on: Hereupon Dr. *Sacheverell*, Addressing himself to the Lords, said,

Dr. *Sacheverell's* **T**HAT the Defence made by his Council had been so full, and particular, and the Tryal it self drawn into so great a Length, that he should not add to their Lordships Trouble by saying any thing for himself, did he not think that in such a Cause, as this, (wherein the Doctrine of our Church, the Dignity of that Holy Order to which he belong'd; and even the Common Interest of Christianity it self, were so nearly Concern'd) it became him not to be altogether silent: For it has been own'd by some of the Managers for the Honourable House of Commons, that tho' he was the Person Impeach'd, yet his Condémnation was not the thing principally aim'd at. That he was, it seems, an insignificant Tool of a Party, not worth regarding; that the avow'd Design of his Impeachment was, by the means of



' it to procure an Eternal and Indelible Brand of Infamy to  
 ' be fix'd, in a Parliamentary way, on all those who maintain  
 ' the Doctrine of Non-Resistance, and to have the Clergy  
 ' directed what Doctrines they are to Preach, and what not.  
 ' And therefore, as Insignificant as he was in himself, yet  
 ' the Consequences of his Tryal (if rightly represented to  
 ' their Lordships by some of those Gentlemen) were of the  
 ' highest Moment, and Importance. That since he was the  
 ' unfortunate Occasion of bringing these Matters in Judgment  
 ' before their Lordships, it would behove him, he thought, af-  
 ' ter what had been Pleaded in his behalf by his Council  
 ' learned in the Law ; to say somewhat also for himself, in  
 ' order to clear the Innocence of his Intentions, and remove  
 ' that load of Guilt and Infamy, which might be laid upon  
 ' him, should their Lordships determine, (as, he trusted in  
 ' God, they would not) that the Articles of Impeachment  
 ' Exhibited, had been made good against him.

' That with their Lordships Permission then, he should lay  
 ' before them some few General Remarks, which in his hum-  
 ' ble Opinion might be added to what his Council had already  
 ' observ'd, concerning the Methods taken by the Managers  
 ' for the Honourable House of Commons, to Prove and Sup-  
 ' port the Articles of their Charge. And should then, with  
 ' their Lordships leave, say somewhat severally to the Arti-  
 ' cles themselves, which might serve to Remind their Lord-  
 ' ships of what his Council before offer'd more at large, and  
 ' with greater Advantage.

' That the Charge brought against him in these Articles  
 ' was of a very High, and Heinous Nature ; and had it been  
 ' as clearly made out, as it had been strongly affirm'd, it  
 ' would justly have expos'd him to a very severe Sentence.  
 ' But the more heinous the Charge was, the more evident  
 ' and undeniable he should think, the Proof ought to be. And  
 ' how, my Lords, said he, has this Charge been supported  
 ' in the several Articles of it ? By plain, direct, and express  
 ' Passages produc'd, and read to your Lordships out of my  
 ' Sermons ; or by Intentments, unnecessary Implications, and  
 ' strain'd Constructions ? By laying entire Sentences before  
 ' your Lordships, and relying upon what was manifestly con-  
 ' tain'd in them ; or by piecing broken Sentences, and con-  
 ' joining distant and independent Passages, in order to make  
 ' me Speak, what I never thought of ?

' That he was unacquainted with the Methods of legal  
 ' Proof, and little thought he should have had this Occasion  
 ' of enquiring into them. But, as far as he was able to  
 ' Comprehend any thing of this Nature, he should think,  
 ' that there could not be a clearer Indication that he was

not Guilty of having asserted what he was Charg'd by the several Articles to have said, than that so many hours Learning and Eloquence had been Employ'd in proving him to have said it. That had he really affirmed those Propositions for which he was accus'd, his Sermons being before their Lordships, the Places wherein such Propositions were directly contain'd, might have been referr'd to, and read, with the same Ease as his Council referr'd to the Passages contain'd in the several Writings and Sermons of the Reverend Fathers, and other Eminent Divines of our Church, wherein they Taught the Doctrine of Non-Resistance in the same Extent as he Maintain'd it, or in Terms much stronger. That these Passages, produc'd by his Council, were barely Read to their Lordships: No Argument, no Colours were us'd, because none were necessary, to prove what Propositions were laid down in those Passages; Whereas, to prove him Guilty of having asserted what was laid to his Charge, after his Sermon and Prefaces were Read to their Lordships, much Art and Industry were us'd to persuade their Lordships, that such Assertions were really contain'd in them.

That when his Words were capable of two Senses, the worst, and most invidious tho' at the same time the most strain'd, and unnatural Construction, had been always made of them. Nay, when his Words were so plain and express, that it was impossible to put any criminal Glosses or Colours upon them, he had been Accus'd of meaning the direct contrary to what he had said: And when he press'd the Duty of Allegiance to the Queen, their Lordships were told, that it was most certain, he meant the *Pretender*.

That to Aggravate his Guilt, he had been Accus'd not only for what he was suppos'd to have said, but for what he was allow'd not to have said: Not only for what he had taken notice of in his Sermons, but for what he had pass'd by unobserv'd: He had been Charg'd with Negative Crimes; as if what he omitted to say, had been omitted with Design, and his Silence it self were Criminal.

That these were the Methods, that had been made use of to prove him Guilty of Crimes, which if prov'd, might affect his Liberty and Fortune; no favourable Allowances had been made to a Minister of the Gospel, discharging the Duty of his Function, and rebuking Vice and Irreligion with an honest and well-meant Zeal, but sometimes perhaps carrying him into Expressions too open, and unguarded. That he could add, if such a Complaint might not be thought improper from one in his Circumstances, that, in the course of his Accusation, he had been stil'd a Criminal,

' minal, and treated as such by some of those Honourable  
 ' Gentlemen, with a degree of Scorn and Indignity, from  
 ' which he hop'd his Sacred Profession, his present unhappy  
 ' Condition, and a Regard to that Solemn and Awful Judi-  
 ' cature might have screen'd him. But that he laid aside all  
 ' Complaints of this Nature, and with their Lordships leave  
 ' should proceed to make some few short Observations upon  
 ' the several Branches of the Charge Exhibited against him.

' That he was Charg'd in the First Article, with having  
 ' Maintain'd, That the necessary Means us'd to bring about  
 ' the late Happy Revolution were Odious and Unjustifiable ;  
 ' in proof of which it had been urg'd, that he had in Gene-  
 ' ral Terms asserted, the utter Illegality of Resistance to the  
 ' Supreme Power upon any Pretence whatsoever. But that  
 ' the Resistance in that Passage by him Condemn'd, was no  
 ' where by him applied to the Revolution ; nor was it appli-  
 ' cable to the Case of the Revolution, the Supreme Power  
 ' not being then Resisted.

' That he neither expressly apply'd his Doctrine of Non-  
 ' Resistance to the Case of the Revolution, nor had he the  
 ' least Thoughts of including the Revolution under his Ge-  
 ' neral Assertion. That he express'd this Doctrine in the  
 ' same General Terms in which he found it deliver'd by the  
 ' Apostles of Christ ; he Taught it as he had Learnt it from  
 ' the Homilies of our Church, and as he was injoin'd to  
 ' Teach it, by the Articles of our Religion. That he us'd  
 ' no other Language, than what had been us'd by our first  
 ' Reformers, by a continued Series of Right Reverend Pie-  
 ' lates, and other Celebrated Divines now with God, and  
 ' by many of those Venerable Fathers, before whom he stood,  
 ' and what was perfectly agreeable to the Laws, and Statutes  
 ' of this Realm. That he had little Reason to apprehend  
 ' that he could ever have been Accus'd by the Gentlemen  
 ' of the House of Commons to their Lordships as a Criminal,  
 ' or as an Asperser of the Memory of the late King, for  
 ' Preaching this Doctrine ; when others, who Preach'd the  
 ' same Doctrine, in the same Terms, before their late Ma-  
 ' jesties, before our present Gracious Sovereign, (whom he  
 ' pray'd God long to Preserve ! ) before each House of Par-  
 ' liament, before this very House of Commons, had met  
 ' with Publick Approbation : But since it was his singular  
 ' Misfortune to be Accus'd, for what others had receiv'd  
 ' Thanks, in some Instances convey'd to them, by several of  
 ' the Managers themselves, he did with all humble Confi-  
 ' dence rely upon their Lordships Justice ; not doubting but  
 ' that the Learned the Judges, if thought necessary to be  
 ' consulted, would declare, what he had in this Case Assert-



ed, to be Warranted by Law, and the Right Reverend the Bishops, would affirm it to be the Doctrine of the Gospel.

That the Doctrine he Preach'd being the Doctrine of the Homilies of our Church, not express'd only in a few particular Passages of those Homilies, but perfectly agreeable to the whole Tenor, the main Scope and Design of them ; and those Homilies being Establish'd by the Thirty Nine Articles, as containing godly and wholesome Doctrine ; and those Articles being confirm'd by the 13th of *Q. Elizabeth*, and that Statute being made Perpetual, and Fundamental to our Constitution by the late *Act of Union* ; he left it to their Lordships to consider, how far the Condemnation of him, on the account of that Doctrine, might affect, and shake the present Frame of the British Constitution, in Church, and State, and tend to Dissolve the Union of the Two Kingdoms.

That upon the second Article, he would humbly pray their Lordships to consider, that he had no where in his Sermon shewn any the least Dislike of the Indulgence granted by Law to Dissenters ; that on the contrary, He had declared his Approbation of it in the most express Terms imaginable, which he begg'd leave once more to repeat to their Lordships out of his Sermon preach'd at *St. Paul's*. I would not (he there said) be misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence, which the Government hath condescended to give them ; which I am sure, all those, who Wish well to our Church, are ready to grant to Consciences truly Scrupulous ; let them enjoy it in the full Limits the Law hath prescrib'd.

That this then, and still was his sincere Opinion, nor was he conscious that he had uttered one Word inconsistent with it. He had indeed blam'd, and perhaps with some Warmth and Earnestness blam'd the Abuses, which Men of no Conscience, have made, of the Legal Exemption, granted to Consciences truly scrupulous : Nor could he think that those Reprehensions of his, would have drawn upon him the Displeasure of any sincere Christian, which were levell'd against Hypocrites, Socinians, Deists, and such as, under the Umbrage of that Act, which permits Protestant Dissenters, and those only, to serve God, every Man in his own way, think themselves at Liberty to be of no Protestant Congregation, of no Religion at all. That he would farther ingenuously own to their Lordships, that he had in his Eye some Abuses made of that Act by the Dissenters themselves ; who, he was told, do (both Pastors, and People) rarely observe the Qualifications prescrib'd by that Act ; and who erect Seminaries for Educating

‘ cating Youth in Principles opposite to the Doctrine, Discipline, and Worship of our Church : Whereas that Act was intended for the Ease of those, whose Minds through the unhappy Prejudices of Education, were already Estranged from the Church ; not, as he humbly conceived, to indulge Men in taking the most effectual Methods to Propagate, and Perpetuate their Schism.

‘ That of any Favours to Dissenters granted, or intended by the Law, he had no where complain’d ; of Toleration, a word unknown to our Laws, and implying, as he was inform’d, much more than our Law-Givers design’d, if he had said any thing Offensive, he might, he hoped, reasonably presume, that it would not be judg’d by their Lordships in any wise to reflect on that *Act of Exemption*, which he had spoken of in Terms, no ways, he thought, misbecoming a good Subject, or betraying any want of Christian Moderation. Nor was there any want of it, he conceived, in affirming that this Act, which relieves some Dissenters from legal Punishments, to which they were before Obnoxious, hath not any ways alter’d the Nature of Schism, or extinguish’d the Obligations to Church-Communion ; which is an Evangelical Duty, incumbent on all Christians, by the Rules of the Gospel, Antecedent to all Secular Laws, and can by no Human Power be Dispens’d with. That if the Church of *ENGLAND*, imposes no unlawful Terms of Communion, as She certainly does not, then all Separatists from her Communion, will, notwithstanding the Indulgence, continue to be Guilty of Schism : the Consequence of which Guilt, may still rest upon their Souls, however it may cease to Affect their Bodies or Estates : For as no human Law can render that Lawful which God hath forbidden, so neither can it make that *Void*, which God hath Commanded.

‘ That he was Accus’d, under this Head, of Maintaining, that it is the Duty of Superior Pastors to Thunder out their Ecclesiastical Anathema’s against Persons Intitl’d to the Benefit of the Toleration ; but he hoped, it had evidently appear’d to their Lordships, that he advanced no such Position. Sure he was, that his Words did not in themselves carry such a Meaning, nor did the Connexion of his Discourse require that Sense, or easily admit it. That Schismatics, are not the only Persons against whom Ecclesiastical Censures may be denounced ; the Works of Darkness, which he refer’d to, as fit to be Reprov’d, in that Part of his Sermon, where he speaks of these Censures, are of the same kind with those mentioned by the Apostle, whose Words he produc’d, all Lewd and Immoral Practices ; that

against these, and against Heresies, and Blasphemies, (a black Catalogue of which had been Display'd before their Lordships): he thought the Anathema's of the Church would be well employ'd; such Anathema's he doubted not, would be ratified in Heaven, and would therefore, by any Power on Earth, be Irreversible.

That as to Archbishop *Grindal*, tho' he might seem to have us'd some undue Asperity of Expression concerning him, yet he charg'd him with nothing but what he had good Grounds for, from our Historians: It having been made appear to their Lordships, that, on the Account of his Remissness in Church-Government, he liv'd and dy'd under the High Displeasure of *Q. Eliz.* and whether therefore he, or that Glorious Queen, should bear the Blame of his Disgrace, and Sufferings, was with all Humility submitted to their Lordships.

That he hoped, he stood Clear in their Lordships Opinions, of the Charge advanc'd against him, in the Two first Articles; and as his own Conscience did, so he trusted their Lordships would Acquit him, of whatever was laid to his Charge in the third.

That he neither had Suggested, nor did in his Conscience believe, that the Church is in the least Peril or Adversity from Her Majesty's Administration. So far was he from any such Thoughts, that he was entirely satisfied of Her being a most affectionate Nursing-Mother to it. But he hoped he might say without Offence, that the Church may be in Peril from other Causes, without any Reflection upon Her Majesty's Government, or any Contradiction to Her Royal Proclamation, and the Resolution of both Houses of Parliament, four Years before. That if the Church be in Danger, when the Christian Religion is evidently so, he hoped it would be thought no Crime to say, it had scarce ever been in greater Danger than it was at present, since Christ had a Church upon Earth. For besides that Deluge of Prophaneness and Immorality, which overspreads the whole Kingdom; besides the Variety, and growing Strength of those Schisms which weaken and divide us, and of those Heterodox Opinions, and Damnable Heresies, which are daily publish'd and propagated among us; he verily believed, that never were the Ministers of Christ so abus'd and vilify'd, never was the Divine Authority of the Holy Scriptures so Arraign'd, and Ridicul'd, never were Infidelity, and Atheism at self so Impudent and Barefac'd, never were such horrid Blasphemies Printed in any Christian State, from the Foundation of Christianity to this Day.

That



' That out of the many Instances of this Kind, which, being ready at hand, he could have produc'd to their Lordships, he had Selected a few only; but those such, as he was perswaded their Lordships could not hear without Horror and Astonishment. Pardon me, my Lords, added he, if my Apprehension of the sad Consequences we may expect from such crying Abominations, have forc'd from me some Expressions, which upon a less Occasion might seem too harsh, and vehement. A Man that dreads no Danger from such unparallell'd Iniquities, that do as it were call down God's severest Judgments upon that poor Church, and Nation, wherein they are openly and daringly Committed, must be dead in his Love for his Country, and Religion. If I have disclos'd such a frightful, and detestable Scene of Impiety, which by reason of your Lordships high Stations, and great Employments, might possibly lie undiscover'd to your Sight before; I shall think my self happy, whatever shall befall me, if I may by God's Grace become the mean Instrument, of putting a stop to that overflowing of Ungodliness, and Blasphemy, which as yet no Laws, no Proclamations, how well soever design'd, and how often soever repeated, have been able to restrain.

' Nor ought he to forget, tho' it was forgotten by the Honourable Managers, another Ground of Danger arising to this Church from the Attempts of Popish Emissaries, by him mention'd, he hoped without the least Offence, in his Sermon at St. Paul's, where he said, It were highly to be wish'd that those excellent Laws, made for the Defence and Security of the Church, were at present put strictly in Execution; for the Roman Catholick Agents, and Missionaries, that swarm about this great City, as 'twere in Defiance and Contempt of them, were never more busie in making Profelytes to their Superstition and Idolatry, and perverting and debauching Her Majesty's Subjects in every Corner of our Streets. That he had not been called upon to prove the Truth of this Passage, nor had it been reckon'd among the false Insinuations he had made that the Church was in Danger. That he pray'd God, the Church might be in no Danger, upon any of these Accounts! Her Majesty, your Lordships, and the Commons, had indeed provided against these Dangers by wholesome Laws; and he hoped he did not exceed the Limits of his Function, when, being call'd to Preach before Magistrates, he exhorted them to prevent these Dangers, by putting those Laws strictly in Execution.

' That just had been the Indignation of the Honourable House of Commons, Just would be your Lordships most severe Resent-

' Resentments, if by any Parallel by him drawn he had insinua-  
 ' ted that the Members of both Houses, who pass'd the Vote  
 ' concerning the safe and flourishing Condition of the Church,  
 ' had been then Conspiring its Ruin ; That he had already  
 ' purg'd himself from this Imputation, by observing, that the  
 ' Parallel, ascrib'd to him, implies, that they who Voted  
 ' King *Charles* the First to be out of Danger, and those who  
 ' Conspir'd his Death, were the very same Persons, whereas  
 ' it was certain they were not ; for the Vote about the King's  
 ' Safety was pass'd by Lords and Commons an Year and half  
 ' before his execrable Murther, which had been contriv'd by  
 ' the Army, and was perpetrated by a pretended Ordinance  
 ' of a small Remnant of the House of Commons (not a tenth  
 ' Part of the whole) after the rest of the Members had been  
 ' Imprison'd, or Secluded, and without the Concurrence of  
 ' the House of Peers, who totally rejected it. That their  
 ' Lordships had a very different Representation of this Fact  
 ' made by one of the Learned Managers : but this was the  
 ' real Truth, as recited in the Act of Parliament for the At-  
 ' tainder of the King's Murtherers ; and was an Evidence,  
 ' that he could not possibly mean by any odious Parallel to  
 ' Insinuate, that the Members of both Houses, who pass'd  
 ' the Vote concerning the Safety of the Church, were then  
 ' Conspiring its Ruin.

' That he humbly crav'd their Lordships Patience yet a  
 ' little farther, whilst he spoke to what was alledg'd in the  
 ' Fourth Article, which charged him with many Crimes of  
 ' a very high and flagrant Nature ; none of which had been  
 ' endeavour'd to be prov'd upon him, otherwise than from  
 ' suppos'd Suggestions, and undetermin'd Expressions ; and  
 ' he must still, with their Lordships leave, humbly insist up-  
 ' on it, that where the Expressions are doubtful, there the  
 ' favourable Sense is always to be preferr'd.

' That after all that had been said by the Learned Mana-  
 ' gers for the Commons, what Minister of State, he besought  
 ' their Lordships, had he been prov'd to Reflect upon, di-  
 ' rectly, or indirectly ? Where, and how did he by any Sug-  
 ' gestion, charge Her Majesty, or those in Authority under  
 ' Her, with a general Male-Administration ? How did he  
 ' persuade Her Subjects to keep up a Distinction of Parties,  
 ' and Factions, while he Reprov'd those who divided us by  
 ' knavish Distinctions, and while he persuaded his Fellow-  
 ' Subjects to lose and forget them ? How was it possible he  
 ' should stir up the People to Arms and Violence, when he  
 ' was endeavouring to convince them of the utter Illegality  
 ' of Resistance upon any Pretence whatsoever ? That these  
 ' things seem'd to be Inconsistent, unless a Man may be thought

' a Rebel  
 ' ing aga  
 ' That  
 ' Charge  
 ' of Com  
 ' towards  
 ' was pl  
 ' sitting  
 ' but som  
 ' fore ag  
 ' the Peo  
 ' jesty.  
 ' Earnest  
 ' tested a  
 ' own Op  
 ' he could  
 ' less Imp  
 ' his, wh  
 ' Affection  
 ' the Oath  
 ' jurat  
 ' Preach'd  
 ' rent, tha  
 ' Subjects  
 ' he numb  
 ' never be  
 ' How t  
 ' Her Maje  
 ' by their  
 ' lick Dem  
 ' when he  
 ' hoped th  
 ' some of h  
 ' of his un  
 ' most Ines  
 ' jesty, the  
 ' happily up  
 ' may long p  
 ' as the onl  
 ' earnestly to  
 ' Her Maje  
 ' cate Her  
 ' Pretences,  
 ' Her Right  
 ' doubted, tha  
 ' cels be sup  
 ' in Proclam

a Rebel for Recommending Loyalty, or Seditious for Preaching against Sedition.

That he remember'd, indeed, at the Opening of this Charge against him, that one of the Managers for the House of Commons, vouchsaf'd to offer his charitable Assistance towards Reconciling this seeming Inconsistency; for he was pleas'd to suppose, that when he spoke against resisting the Sovereign, he had not our Gracious Queen, but some other Person in view; and that he might therefore agreeably to his Principles of Non-Resistance, stir up the People to Arms and Violence against Her Sacred Majesty. That their Lordships would once more pardon his Earnestness, if he call'd God to witness, that he utterly detested any such traiterous Intention; and he should in his own Opinion be unworthy of the Name of a Christian, if he could give himself leave to cast such a black and groundless Imputation upon any one in like Circumstances with his, who had given all possible Evidences of his Duty and Affection to the present Government. That he had taken the Oaths of Allegiance to Her Majesty, and that of Abjuration against the Pretender, and when therefore he Preach'd the Doctrine of Non-Resistance, it was most apparent, that the Government, which he perswaded his Fellow-Subjects not to Resist, was the present Government; and he humbly conceiv'd that the present Government could never be Overturn'd, if it were never Resisted.

How true a Zeal, and Affection, he had always born to Her Majesty's Person and Government, he left to be Judg'd by their Lordships, and the whole World, from those Publick Demonstrations which he had given of it, at all Times, when he had occasion to make mention of either. That he hoped their Lordships would pardon him, if he refer'd to some of his own Printed Expressions, as an evident Proof of his unfeigned Duty, and Allegiance. If, to call it the most Inestimable Blessing this Nation could Enjoy, that Her Majesty, the Good and Pious Relict of the Royal Family, sits now happily upon the Throne of Her Ancestors; if to Pray, that God may long preserve Her for the Comfort and Support of the Church, as the only Security, under God, it has to depend upon; If, earnestly to Contend for the Safety, Rights, and Establishment of Her Majesty, together with those of the Church; If, to Vindicate Her Majesty's Title to the Crown against the Usurpations, Pretences, and Encroachments of Her Adversaries, and to Assert Her Right to the Throne to have been so clear, manifest, and undoubted, that even Her worst Enemies (could such a Pious Prince be suppos'd to have any) must acknowledge it; That She be Proclaim'd as 'twere by the Voice of God, in the universal Joy.

St



Satisfaction, and Unanimity of Her Subjects, that Her personal  
 Merit exempted from that, made Her worthy of a brighter Dia-  
 dem than She wears; If, to persuade Her Subjects with the most  
 hearty Zeal, and Generosity, to enter into a necessary War, for  
 the Defence of Her Majesty, and the common Preservation of our  
 Church, Liberties, and Constitution, against a powerful Adver-  
 sary; If, to beseech God to prosper so good an Undertaking, to  
 give an happy Event and Issue to such a Rightful Cause, to  
 Crown our Arms with Victory, and to make them as successful,  
 as they are Just, and Honourable; And that, in order to this,  
 we are all bound, both in Duty to God, and our Sovereign, as  
 well as by our own Interest, unanimously, and heartily to Assist,  
 and Support Her under this great Undertaking, as far as our  
 Prayers, and Estates, Lives, and Fortunes can serve Her; If,  
 to persuade Her Subjects, that the great and threatening Dangers  
 of our Enemies, should have that just Effect upon us, to Unite  
 us, as much in our Resolutions and Affections, as they do in our  
 common Interests, Apprehensions, and Troubles; If, to Set out  
 the Blessings we enjoy in the wise Constitution of our Government  
 and Laws, in the most refin'd Policies of our Parliament and  
 Ministry, in the Strength and Number of our Armies, Fleets,  
 and Confederates, in the Care and watchful Vigilance, the Con-  
 rage, Resolution and Conduct of our General, and above all in  
 the Piety and Prudence of our most gracious QUEEN; If,  
 to affirm that She daily gives fresh Instances of Her Wisdom, in  
 the happy Administration of Her Government, and in nothing  
 more shews Her Policy, and distinguishing Judgment, than in mak-  
 ing Choice of such Ministers of State, who are acceptable to  
 their Country, and express such a Zeal and Steadiness in its  
 Service and true Interests, and whom nothing could Bribe, or  
 Betray into a Party, wherein it might any ways seem to be en-  
 danger'd; If, with the most ardent Requests to implore God's  
 Providence, which through so many Dangers and Difficulties has  
 rais'd up, and preserv'd Her Majesty, to carry on these glorious  
 Undertakings with Success, that She may be able to Restore and  
 Settle the Peace of Europe, in its just Rights and Limitations;  
 and that, as God has bestow'd a Crown upon Her in this World,  
 as the Reward of these heroic and pious Designs, so, after a long  
 Reign here, he would advance Her to an higher Throne in Hea-  
 ven, and dignifie Her with a glorious and immortal Crown here-  
 after: That if this, said he, is falsely and maliciously to  
 Suggest that Her Majesty's Administration both in Ecclesi-  
 astical and Civil Affairs, tends to the Destruction of the  
 Constitution; If this be charging Her Majesty, and those in  
 Authority under Her, both in Church and State, with a  
 general Male-Administration; If this be, as an Incendia-  
 ry, to persuade Her Subjects to keep up Distinctions of Fe-

ctions ar  
 lies, fom  
 Majesty'  
 Her Ene  
 peachme  
 That  
 lick Occ  
 Subjecti  
 per Call  
 nesses in  
 That on  
 cularly t  
 was at  
 known  
 Constitu  
 Revolut  
 Honour  
 and Beh  
 to a Rig  
 Bishops.  
 That  
 with Ev  
 vernmen  
 dance,  
 from the  
 Congreg  
 Princip  
 ctions of  
 of his L  
 pressions  
 Dislike  
 cession,  
 their L  
 againit  
 serve to  
 his Acti  
 so much  
 That  
 Scriptur  
 nister of  
 another  
 and wh  
 should b  
 he hop  
 Studies  
 such Ma

ctions and Parties; If this be Instilling groundless Jealousies, fomenting destructive Divisions, and stirring up Her Majesty's Subjects to Arms and Violence, against any but Her Enemies, then he was Guilty of this Article of Impeachment; otherwise, he was Innocent.

That he had always thought it his Duty, upon all publick Occasions, to Assert these Principles of Loyalty and Subjection to the Supreme Power, whenever he had a proper Call so to do; of which there were numberless Witnessesses in those several Places to which he had belong'd. That one of these he begg'd leave of their Lordships particularly to mention, *Magdalen College in Oxford*, whereof he was at present an unworthy Member; and which by the known Sufferings of the whole Body for the Church and Constitution, contributed as much towards the late happy Revolution as any Society in the Kingdom. To which Honourable Society he humbly appeal'd for his Character and Behaviour. Adding he could also appeal for the same to a Right Reverend Lord, now Sitting on the Bench of Bishops.

That had it been fit to have troubled their Lordships with Evidences of his hearty Affection to the present Government, he could have produced them in great Abundance, from the Persons with whom he had Convers'd, from the Gentlemen whom he had Bred up, and from the Congregations to which he had Preach'd. That if his Principles had any Tendency towards Alienating the Affections of Her Majesty's Subjects, surely some one Instance of his Disloyalty to the QUEEN, some favourable Expressions towards the Pretender, some Indications of his Dislike to the present Settlement, and the Protestant Succession, might have been pitch'd upon, and expos'd to their Lordships, in order to justify the Charge of Sedition against him. But he could not, but with Pleasure, observe to their Lordships, that from the whole Course of his Actions, no one Instance of that kind was alledg'd, or so much as pretended.

That the Charge of wickedly wresting divers Texts of Scripture lay very heavy upon him, as a Christian and Minister of Christ. That if he was Guilty of it, there was another Tribunal, another Bar at which he was to appear, and where by that Scripture, which he had wrested, he should be Judg'd and Condemn'd. That in the mean time, he hoped, that those, whose particular Profession, and Studies qualify them to be the most competent Judges of such Matters, would absolve him in this Particular.

That

' That upon the whole, therefore he hoped it appear'd,  
 ' that he was not Guilty of any of the Crimes of which he  
 ' was accus'd, that he had Transgress'd no Law of the  
 ' Land, neither Statute, nor Common Law, relating either  
 ' to Her Majesty, or to his Fellow Subjects, to the Church,  
 ' or to the State: and that he might with all Humility ap-  
 ' ply to his own Case, the Words of that blessed Apostle,  
 ' whose Doctrine he defended, and whose Example he hoped  
 ' he should have the Grace to follow, *Neither against the*  
 ' *Law, nor against the Temple, nor against Cesar, have I offended*  
 ' *any thing at all.*

' That what he had hitherto humbly offered to their  
 ' Lordships related to his Words and Actions; and as to the  
 ' Thoughts and Intentions of his Heart, which were known only  
 ' to God, and his own Conscience, and which were affirm'd  
 ' in his Impeachment to be wicked, seditious and malicious;  
 ' he call'd the Searcher of Hearts to witness in the most so-  
 ' lemn, and religious Manner, as he expected to be acquitted  
 ' before God, and his Holy Angels, at that Dreadful Tribu-  
 ' nal, before which not only he, but all the World, even  
 ' their Lordships, who now set in Judgment upon him, must  
 ' appear, to be Acquitted or Condemn'd; that he had no  
 ' such wicked, seditious, or malicious Intentions; that  
 ' there was nothing upon Earth, he more detested and ab-  
 ' hor'd; that his Designs were in every respect, direct-  
 ' ly contrary. I had, added he, no Intention to asperse the  
 ' Memory of his late Majesty, to traduce, or condemn the  
 ' late Happy Revolution, or to arraign the Resolutions of  
 ' both Houses of Parliament. So far was I from design-  
 ' ing to undermine and subvert Her Majesty's Government,  
 ' and the Protestant Succession as by Law Establish'd, that it  
 ' was my sincere Intention to exert my best Endeavours for  
 ' their Security. So far was I from intending, to persuade  
 ' Her Majesty's Subjects to keep up a Distinction of Parties  
 ' and Factions, from instilling groundless Jealousies, foment-  
 ' ing destructive Divisions among them, or exciting and stir-  
 ' ring them up to Arms and Violence, that my Aim was to  
 ' persuade them to lay aside all Distinctions, to unite in one  
 ' well-compacted Body, to be Obedient to their Governors,  
 ' and to support the present Establishment. So far was I  
 ' from designing to defame Her Majesty's Administration, or  
 ' to infuse any undutiful Thoughts of Her, that I not only  
 ' pay Her all Honour and Obedience, but am from the bot-  
 ' tom of my Soul zealously, and affectionately Loyal to Her;  
 ' being entirely perswaded; that the Church is so far from  
 ' being in Danger from Her, that She is as heartily affected  
 ' to its Establishment, and Prosperity, as I hope I have

' always

' always  
 ' Govern  
 ' That  
 ' tho' the  
 ' of it, (s  
 ' should t  
 ' mions to  
 ' mons me  
 ' preter  
 ' could m  
 ' came to  
 ' he had  
 ' gladly t  
 ' their Lo  
 ' cere and  
 ' of Her M  
 ' and Piet  
 ' Vengean  
 ' we live  
 ' and Her  
 ' of Her M  
 ' as well a  
 ' Martyr's  
 ' Eyes, a  
 ' and Hon  
 ' Her Tem  
 ' of that  
 ' Lover o  
 ' upon w  
 ' Anger t  
 ' stimable  
 ' Future I  
 ' of the C  
 ' House o  
 ' vidence,  
 ' trary Po  
 ' Constitu  
 ' Happine  
 ' And I c  
 ' have tau  
 ' other sid  
 ' Her Ma  
 ' it a tri  
 ' much le  
 ' indispen  
 ' nistratio  
 ' than tha  
 ' a Govern



always shew'd my self to be to Her Sacred Person, and Government.

That as to the Protestant Succession by Law Establish'd, tho' the Doctrine which he preach'd tended to the Security of it, (as he heartily desired every thing by him spoken should tend) yet having no Occasion in either of his Sermons to take Notice of it, he did no where in those Sermons mention it, nor say any thing that could be Interpreted to have any View towards it. Therefore tho' he could not with his best Application apprehend, how it came to be said in the Preamble to his Impeachment, that he had design'd to undermine and subvert it, yet he should gladly take this Opportunity, of declaring himself before, their Lordships upon that Subject. It is, said he, my Sincere and Heartly Prayer, that God would prolong the Life of Her Most Sacred Majesty, whose Exemplary Goodness and Piety, give us the best Hopes we have of averting that Vengeance, which is due to the Wickedness of the Age we live in; that He would bless Her Councils at Home, and Her Arms Abroad, and make Her Reign exceed that of Her Renown'd Predecessor Queen *Elizabeth*, in Length, as well as Glory. But when the Inheretrix of the Blessed Martyr's Crown, and Piety, when She, the Desire of our Eyes, and the Breath of our Nostrils, shall full of Years, and Honour, be Gather'd to Her Fathers, and exchange Her Temporal for an Immortal Crown; (since we are depriv'd of that Prince, Her Royal Offspring, whose Loss no true Lover of his Country, and of the Royal Family can reflect upon without a Bleeding Heart, and whom God in his Anger took from us, because we were unworthy of so inestimable a Blessing,) I earnestly beseech God, in defect of Future Issue from Her Majesty, to Perpetuate the Succession of the Crown, as it is Establish'd in the most Illustrious House of *Hannover*, which I look upon as, next to his Providence, the best Guard we have against Popery and Arbitrary Power, the best Security of our Church, and of the Constitution of our Government, which is the Glory and Happiness of our own Nation, and the Envy of all others. And I cannot yet apprehend, how the Doctrine, which I have taught tends to weaken or undermine it; nor on the other side, how the Doctrine of Resistance, which brought Her Majesty's Royal Grand-father to the Block, (supposing it a true Doctrine) comes to be mention'd or thought of, much less to be industriously maintain'd, as a necessary and indispensable Duty, under the most mild and gracious Administration of the best of Queens: Nothing seems more strange than that Resistance should be so carefully taught under such a Government, unless it be that Non-Resistance overturn it.

So

So far, added he, was I therefore from having any of those wicked, malicious, or seditious Designs, which are laid to my Charge, that my Intentions were, on the contrary, to instill the Principles of Loyalty and Obedience into my Fellow-Subjects, and withal to put a stop to that Torrent of Lewdness, Irreligion, and Atheism, of which I have given your Lordships so many flagrant Testimonies.

Those outrageous Insults upon God, and Goodness, continued he, are so Provoking, that they may excuse some Heat, and Severity of Expression in a Minister of Christ, who has a just Sense of Religion, a due Concern for the Discharge of his Holy Function, or for the Honour of his Maker and Redeemer. And if any Objection be made against me, for Treating with an Unbecoming Bitterness such Daring Rabshekahs, who defy the Living God; I beg leave to Reply in the Words of a Reverend Father of our Church, Let them consider what Moderation, and Temper, a Man had need be of, that in this Nation, and this Age, shall speak against Faction, Rebellion (I add, Deism, Trithism, and all sorts of Heresy, Blasphemy, and Atheism) without extraordinary Severity. Nay, it is our Duty in such Cases, to express our selves with Warmth and Sharpness, according to the Example of our Blessed Saviour; who tho' Meekness it self, could not but shew the utmost Indignation at the Profaning the House of God. This is not, my Lords, to rail, but to rebuke; and those, who ridicule, or censure us for it, either have not, I presume, or will not own they have, a right Notion of the Dignity of our Office; will not consider, that we are the Ambassadors of Christ, that we are commanded, in his Name, to exhort, and rebuke with all Authority; and that our Authority is deriv'd from those to whom it was said by our Blessed Saviour, He that despiseth you, despiseth me, and he that despiseth me, despiseth him that sent me: Whatever Expressions therefore in my Sermons may have slipped from me, which seem so far liable to Exception, as to carry a Sense I never intended (as he must be an happy Speaker indeed, whose Words are altogether unexceptionable) yet I humbly hope, the above-mentioned Provocations will plead my Excuse, or that, at the very worst, some hasty, or even violent Expressions, shall not be deem'd High Crimes and Misdemeanors. I desire it may be farther consider'd by your Lordships, that I could have no Temporal Interests to serve by the Doctrines I advanc'd; and therefore could have no Design in view, but to discharge my Duty to God, as a Minister of Christ, and to my Sovereign, as a Faithful, and Loyal Subject.

That

That these Things being humbly offer'd to the Consideration of their Lordships, he hoped, that what he had already suffer'd, as a supposed Criminal, would be thought sufficient Punishment for one, who had offended against no Law yet in Being. That it must be thought no little Grief, and Vexation to any ingenuous Man; to be brought to that Bar, under the least Suspicion of such Crimes as were laid to his Charge; but for a Person of his Function to have an Accusation of this Nature alledg'd against him, so heinously reflecting upon his Holy Character, was such a foul Blot, as though his Innocence should at last be clear'd by their Lordships, upon the most undeniable Evidence, must leave a Scar upon his good Name; which is to all Men dear, but much more so to those, whose whole Capacity of doing good in the World principally depends upon it.

That as the Matter of his Charge was highly Criminal; so the Form and Manner of it ran in such general and uncertain Terms; that 'twas impossible to know the Grounds of his Accusation; or how to defend himself, when he knew not where he should be attack'd. So that after he had provided as particular an Answer as such a general Accusation would admit of, the Commons were pleas'd in their Replication to say, that there were several Things in it Foreign to the Charge. That to the great Misfortune of falling under the Displeasure of that Honourable House, he might add, That of a long and close Confinement, and of an Expence no ways proportion'd to his Circumstances. That these were Afflictions which could be conceiv'd by no Body so well as by him, who had been so unhappy as to feel the Weight of them. And among these he reckon'd it not the least of his Sufferings, that he had been for so long a time debarr'd, from taking heed to that Flock, over which the Holy Ghost had made him an Overseer. For even since he had had his Liberty, by the Favour of their Lordships admitting him to Bail, he had purposely avoid'd doing any Part of the Duty of his Function, or even appearing in Publick, lest it should occasion any Tumult or Disturbance; as his necessary Attendance on their Lordships from time to time, had since been thought unhappily to have done without any Fault of his; or the least degree of Encouragement given by him, which he profess'd, in the Presence of God, to abhor.

That all these Circumstances being consider'd, together with the publick Manner, the Length and Solemnity of his Tryal, before so August a Court of Judicature, by which Means he was made a Gazing-stock, both by Re-



proaches, and Afflictions, and a Spectacle to the whole World; he had stood in that Place Day after Day, to hear himself Accus'd of the blackest Crimes, and openly revil'd; he had been represented as a Papist in Disguise, as a Rebel, as an Enemy to Her Majesty's Person and Government, and a Favourer of the Pretender, tho' he had abjur'd him, (but not forgot him, as a Learned Person was pleas'd to say) that is, as the worst of Perjur'd Villains: That he had been call'd an insignificant Tool of a Party on the one Hand, and a most dangerous Incendiary on the other, nay, an Angel, that is a Devil, detach'd from the Infernal Regions: All which things, he said, being consider'd, (and their Lordships he was sure, in tender Compassion to him, would consider them,) it was most certain, that, whatever be their Lordships Determination concerning him, he would not escape without being a very great Sufferer, and he should have been abundantly punish'd, tho' he should have the Happiness to be by their Lordships at last Acquitted.

That yet, he could not Reflect without Comfort, (the greatest of Comforts next to that of a good Cause, and a good Conscience) that he Answer'd for himself that Day before the most Illustrious Assembly in the World, the whole Body of the Nobility of Great-Britain; whose Princely Extraction, and High Quality, whose Magnificent Titles, and Splendid Fortunes, whose Hereditary Candor and Generosity, inherent in Noble Blood, inseparable from the Birth and Education of Peers; in a Word, whose Solid Judgment, and exact Skill in the Laws of this Realm, so eminently Qualify them for the final Determination of Justice; who are neither to be sway'd by Hopes, over-rul'd by Fears, nor mis-led by any False Prejudice or Passion. That if it must be a Man's Misfortune to labour under such hard Circumstances as his, it was no small Mitigation of them, that he pleaded his Cause before such Judges, who, he knows, will Decide it with the strictest Impartiality, Equity, and Honour.

That when he consider'd that he now stood, and was Judg'd for some of the Doctrines of that Gospel, which God deliver'd unto our Fathers, and they, the Lords the Bishops, their Successors, had receiv'd from Christ and his Apostles, as the sacred Depositum of the Church, to be Maintain'd inviolably in its Primitive Simplicity; when he considers, what is the Cause for which he was that Day call'd in Question; that it is One of those Eternal Truths, which they were so Solemnly Commission'd to Teach, and earnestly Contend for; when he consider'd, that 'tis what

cut

our Blessed Lord and his Apostles seal'd with their precious Blood, and so many Primitive Martyrs maintain'd even in the midst of Flames, so many Learned Bishops, and Confessors recommended to Posterity in their immortal Writings, as the distinguishing Badge, and Glory of our Reformation; nay, when he consider'd, that 'tis what the Lords, the Bishops themselves had already supported with incontestable Reason, and Authority; it was no small Satisfaction to him to think, that as their Lordships are his Judges, so, he hoped in God, they must be his Advocates: What a Guilt, added he, as well as Disgrace, would it justly devolve upon the Clergy, to recede from any Principle of our *excellent Church*, especially from what has been so long retain'd, and boasted of, as its peculiar Character! By abandoning which, we must relapse into some of the worst Doctrines even of Popery it self, and render our selves the most contemptible, as well as inconsistent Church in the World! I think, I may therefore with Confidence use the Words of the Great Apostle to his Accusers, *having obtain'd Help from God, I continue unto this Day, witnessing both to small and great; saying none other things than those which the Prophets and Moses (I may add Christ and his Apostles) did say.*

For, my Lords, (continued he) if I have committed any Faults or Errours in Expression, yet as I insist upon my Innocence with respect to all the High Crimes laid to my Charge, so I must still insist upon all the Doctrines which I have taught, as being agreeable to the Word of God, and to the Doctrine of our most excellent and truly Apostolical Church, and which we of the Clergy are oblig'd both by Subscription and Oath to acknowledge, and defend. And how hard are our Circumstances, if we must be punish'd in this World for doing that, which if we do not, we shall be more heavily punish'd in the next! What a Condition are we in, if we are commanded to cry aloud and spare not, to exhort, rebuke, in Season and out of Season, on the one Hand, and prosecuted, imprison'd, ruin'd on the other! If this be our Case, who indeed is sufficient for these things? And how truly may we of the Ministry above all Men living, apply to our selves those Words of the Apostle, *If in this Life only we have Hope in Christ, we are of all Men most miserable*: But our Comfort is, that our Hope in Christ is not only in this Life. Justly might we be reproach'd, and deserve some of those Reflections, which in these Licentious times are so plentifully pour'd upon us, were we not ready to practice the Doctrines we preach, of Self-Denial, taking up our Cross, and patient Submission to Sufferings

and Afflictions! For my own part, it matters not what be-  
 comes of me, nor is my Deliverance, or Ruin, of any Mo-  
 ment to the World; for, if it be, I am ready not only to  
 be bound, but to dye, could I by that do Service to my  
 Queen, my Church, or my Country; neither count I my  
 Life dear, so that I might finish my Course with Joy, and  
 the Ministry which I have received of the Lord Jesus.  
 But may God so direct your Lordships, that through me a  
 Wound may not be given to the Doctrines of the Scrip-  
 tures, and of the Church, which Christ hath purchas'd with  
 his own Blood.

And so, (said he in the Conclusion) with all Humility  
 and Resignation, I submit my self to your Lordships Judg-  
 ment be it what it will, one Thing, I am sure it can never  
 take from me, the Power of Wishing and Praying, and  
 (whether in Prosperity or Adversity, whether I am Ac-  
 quitted, or Condemn'd,) I shall always pray for the Queen  
 my Sovereign, for your Lordships my Judges, and for the  
 Commons my Accusers; most earnestly beseeching Almighty  
 God, to deliver all Orders, and Degrees of Men amongst  
 us, *From all False Doctrine, Heresy, and Schism, from Hardness  
 of Heart, from Contempt of his Word and Commandment, from  
 Envy, Hatred and Malice, and all Uncharitableness.*

The Doctor having done Speaking, the Lords adjourn'd  
 to their House above. But it is to be observ'd that the Do-  
 ctor's Speech made so great an Impression on the Generality  
 of the Ladies there present, that many of them could not  
 forbear shedding Tears. However it had a contrary Effect on  
 some of the Spectators, who did not approve his Imprecations  
 against what he seem'd to have *plainly Deliver'd* in his  
*Sermons.*



*The next Day, the 8th of March, being the Anniversary of the Queen's Accession to the Throne, the Parliament did not sit ; But on the 9th the Lords went down into Westminster-Hall ; and the Commons, and their Managers, having taken their Places, and the Queen being present, the Lord-Chancellor told the Managers, that they might proceed to their Reply.*

*March 9th, being the Ninth Day of the Tryal, the Managers of the Commons proceed to their Reply.*

Sir Joseph Jekyll's *Speech.* **H**ereupon Sir Joseph Jekyll said, That Doctor Sacheverell and his Council having concluded what they had to offer to their Lordships, he should enter upon the Province assign'd to him in further Execution of the Commands of the House of Commons, which was to reply to the Defence made for the Doctor to the first Article of the Commons Charge. That he should take Notice, first, of the Concessions made by the Doctor's Council ; secondly, of the Exposition they had put upon those Passages of the Sermon, which had been relyed on by the Commons to maintain this Article ; and, thirdly, of the Acts of Parliament, the *Homilies*, the *Books*, the *Sermons*, the *Pamphlets* and the *Gazettes* which the Doctor's Council had call'd for to be read to their Lordships. That if he should satisfie their Lordships, that the Concessions made by the Doctor's Council were a departure from the Defence made for him in his Answer, that they were extorted by Necessity, and were likely to be retracted when this Turn was serv'd ; if he should shew their Lordships, that their Exposition of the Passages in the Sermon, was contrary to the plain Meaning of those Passages ; if he should shew, that the *Acts of Parliament*, the *Homilies*, and the other *Prints* that had been produc'd, were either immaterial, or condemn the Doctrine laid down in the Sermon ; and if he should shew, that this Criminal, for so he must call him, since the House of Commons had call'd him so ; (whether he would be so in the Event, He agreed, rested only in their Lordships Judgment) if he said he should shew

F f 3

he

he was guilty of a most heinous Offence, he should not doubt of their Lordship's Justice.

That, the Concessions were these, *That Necessity creates an Exception to the General Rule of Submission to the Prince, That such Exception is understood or implied in the Laws that require such Submission, and that the Case of the Revolution was a Case of Necessity.* That these are Concessions so ample, and do so fully answer the Drift of the Commons in this Article, and are to the utmost Extent of their Meaning in it, that he could not forbear congratulating them upon this Success of their Impeachment; that in full Parliament this erroneous Doctrine of unlimited Non-Resistance was given up and disclaim'd; And might it not, in after Ages, be an Addition to the Glories of this bright Reign, that so many of those who were honour'd with being in Her Majesty's Service, had been, at their Lordships Bar, thus successfully contending for the National Rights of Her People, and proving they are not precarious or remediless.

But to return to these Concessions; he must appeal to their Lordships, whether they were not a total Departure from the Doctor's Answer. That in his Answer he takes Notice that the general Assertion in his Sermon, of the utter Illegality of Resistance, is a colourable Pretence for the Article; but does he (continued Sir Joseph) add the Restriction or Limitation to it, which hath been now thought necessary, and hath been insisted upon as most material for his Defence? No, my Lords, but the quite contrary; for these are the Words of his Answer, *The said Henry Sacheverell doth with all Humility aver the Illegality of Resistance, on any Pretence whatsoever, to be the true Doctrine of the Church of England.* Now, could any thing have been more material for him in his Answer, then adding these Restrictions to his General Assertion in his Sermon, which his Council now say he intended, though he did not express? Or if that was his Intention, could he possibly have forgot it, when the frame of his Answer was under Consideration?

That now the Doctor saw the Resolution of the Commons, and the Endeavours of those who had their Commands to carry on this Prosecution to bring him to Punishment; now he saw their Lordships daily Attendance upon this Tryal, and their Attention to the Charge against him; now he saw, if he had abided by his Answer, he must have been condemned, or the Revolution; these were the Motives which had prevailed upon him to tolerate his Council to make these unwilling Concessions, and had extorted them from him. But how little these Concessions ought to avail him, their Lordships would see, when they consider'd how likely it was he would

would  
then  
the C  
as an  
ships  
is to  
of Ne  
they  
when  
ctrine  
soever  
these  
Avail  
him  
those  
their  
contr

Th  
sed an  
Reason  
nardi  
ing o  
though  
Judg  
prels  
Man  
not h  
of Sc  
lique  
in the  
that v  
ance  
is tha  
by Pi  
Libell  
is pur  
Cales  
strain  
dition  
but ex  
Majer  
of Re  
pose.  
Th  
Parts  
ing,  
lution

would retract them when this Turn was served. Might we not then expect he would use this very Argument of Necessity, the Coercion or Restraint he was under by this Prosecution, as an Excuse for these Concessions? And when their Lordships were told, that it is *the Duty of Divines (whose Office it is to explain the Scripture to the People) to inculcate this Doctrine of Non-Resistance in the most unconfin'd and unlimited Terms they are able, and mentally reserve the Exception to themselves*; when Authorities had been produced for asserting this Doctrine in such a manner as to exclude any Exception whatsoever, and the Doctor himself did not expressly come into these Concessions, it was certain they ought not to be of any Avail to him. That their Lordships would therefore give him Leave to consider the Exposition which had been put on those Passages, which the Commons rely'd on for Proof of their first Article: And he should show that Exposition to be contrary to the plain Meaning of those Passages.

That he readily agreed that no *strain'd Inuendo's*, or *supposed and forc'd Constructions* (which were the Words us'd in the Reason given, for reversing the Judgment in Sir Samuel Barnardiston's Case) ought to be admitted to explain the Meaning of the Doctor, in order to prove him Criminal. That he thought the Principles laid down upon the Reversal of that Judgment are solid and just, and therefore nothing but express Words, or a necessary Implication collected from a Man's Words, can make him an Offender. But he would not have it gone away with, that there must be express Words of Scandal to make a Man Criminal; That indirect or oblique Scandal has in all times been met with, and punish'd, in the ordinary Courts of Justice; and if it were otherwise, that which aggravates the Crime (the Subtily or Contrivance of it) would prevent the Punishment: And therefore it is that Ironical Scandal, nay, even dumb Scandal (Scandal by Pictures, or by Signs) as is mentioned in the Case *de Libellis Famosis*, in my Lord Chief-Justice Coke's Fifth Report, is punishable by Law; the only Caution necessary in these Cases being, that the Construction or Interpretation be not strain'd or forc'd. That in this Case they had not only a *seditious Meaning* plainly collected from the Doctor's Words, but express *Criminal Words*, a false Suggestion, that his late Majesty in his Declaration disclaim'd the least Imputation of Resistance, introduc'd for a malicious and seditious Purpose.

That the first Article had been rightly divided into three Parts; the Doctor is charg'd with suggesting and maintaining, first, *That the necessary Means us'd to bring about the Revolution, were odious and unjustifiable*; secondly, *That his late*



*Majesty in his Declaration disclaim'd the least Imputation of Resistance; and, thirdly, That to impute Resistance to the Revolution, is to cast black and odious Colours on his late Majesty and the Revolution.* That the two last Branches were particulars, the first was the General; and if the two last were proved, such Proof made out the first; but he should consider the Answer given by the Doctor's Council to the Proof of the two last Branches in their Order, and proceed to consider the Answer that had been given to the proper Proofs of the first.

That the first Proof of this Branch was the general Assertion of *the utter Illegality of Resistance upon any Pretence whatsoever*: In Answer to which it had been said, that this is spoken of the Supreme Power, which is the Legislative Power, and then there ought to be no Exception whatsoever. But that the Doctor did not mean the Supreme Legislative Power, but the Supreme Executive Power, was evident, First, From the Account he presently gives of those that oppose his Principle of Non-Resistance, which runs all along upon the Person of the Prince only, *as Cancelling their Allegiance, calling their Sovereign to Account, Dethroning and Murthering him.* Secondly and Principally, From his bringing in the Case of the Revolution, as urg'd by those who are Adversaries to his Principle of Non-Resistance. That now the Revolution was not, could not be urg'd as an Instance of the Lawfulness of any thing, but of resisting the Supreme Executive Power acting in Opposition to the Laws; and this the Doctor himself admitted, when he told their Lordships that the *Supreme Power was not then Resisted*. This is therefore the Supreme Power he affirms it is utterly unlawful to resist.

That it being said by one of the Doctor's Council, *That the Non-Resistance the Doctor preaches up, is the utter Illegality of Resisting the Supreme Power in all Things lawful*; for those words, *in all Things lawful*, make part of that Sentence: Sir Joseph Jekyll admitted they did, but said those Words were relative to his Assertion concerning Active Obedience, and not Passive, as would appear by reading the whole Sentence: *The grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power in all Things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever.* The one dividing Member of the Sentence is, the *Obligation to Obedience in all things Lawful*; the other, *the Illegality of Resistance on any Pretence whatsoever*; the one is restrain'd, the other unlimited: It must be taken therefore (notwithstanding these Objections) That the Doctor asserts the *utter Illegality of Resistance to the Supreme Executive Power,*

Power  
the L  
Th  
Artic  
ment  
they  
the V  
to star  
menti  
other  
the M  
the G  
void;  
Journ  
cated  
Conf  
on by  
in it  
not.  
Tha  
urg'd  
fying  
fying  
was d  
the Se  
Answ  
notice  
liverin  
divers  
veral  
Acts w  
Jekyll  
liamen  
liamen  
Doctor  
sugges  
the Re  
Tha  
Doctor  
claim'd  
mit th  
tion w  
Doctor  
scurely  
ought  
so he h  
but in

Power, tho' acting not in Conformity, but in Contradiction to the Laws.

That as to the second Proof of the first Branch of this Article, which is, the Doctor's Infination that the Parliament disown'd the Resistance at the Revolution, by *declaring they set the Crown on the King's Head on no other Title than of the Vacancy of the Throne*. One of the Council thought fit to stand to this Fact, because the Vacancy of the Throne is mention'd in the Bill of Rights; and, he said, *there is no other Fact there stated*. But that the same Act took Notice of the Male Administration of King James, and his Abdicating the Government, as the Means by which the Throne became void; And he appeal'd to their Lordships Journal, and the Journal of the House of Commons, whether the Word *Abdicated* was not used rather than the Word *Deserted*, (after a Conference between the two Houses) for this Reason, insisted on by the Commons, that that Word *Abdicate* included in it Male-Administration, which the Word *Desert* did not.

That the same Council said, the *Act for preventing Vexatious Suits* urg'd by the Commons as a Parliamentary Declaration, justifying the Resistance at the Revolution, was only for Indemnifying those that acted at that time, and was no more than was done in the Reign of Edward the Third, after Edward the Second was Dethron'd. But that this was no manner of Answer to the Declaratory Part of that Law, which takes notice of the King's undertaking a Glorious Enterprize, for delivering the Kingdom from Popery and Arbitrary Power, and that divers Subjects, in Aid and pursuance of that Enterprize, did several Acts of Violence and Resistance, and this Law declares such Acts were necessary, and ought to be justified. And Sir Joseph Jekyll could not but observe by the way, that the Parliament and the Doctor were of different Opinions; the Parliament thought that Resistance ought to be justified, the Doctor thought not; and if so, then Doctor Sacheverell did suggest and maintain, that the necessary Means used to bring about the Revolution were odious and unjustifiable.

That as to the Second Branch of the First Article, the Doctor's Assertion, *That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance*; His Council did admit this Assertion was in the Sermon, and that this Assertion was not true; but they said it was a Mistake only in the Doctor, that the Doctor has express'd himself somewhat obscurely, and now he had explain'd himself, that Explanation ought to be receiv'd. That the Doctor meant *Conquests*, and so he had explain'd himself, not only in the Marginal Note, but in the Sermon it self. That if this were so, it would be

a good Defence ; but that this was not a Mistake, or rather was a wilful one in the Doctor, and that he thereby design'd to Traduce the Memory of his late Majesty and the Revolution, should be shewn from what his own Council insisted on.

That they said the Doctor must mean Conquest, because the Prince of Orange, who was no Subject, but a Sovereign Prince, could not be said to resist, according to the common Understanding of that Word. That it is true, the Prince of Orange could not be said to Resist, and so could not disclaim Resistance for himself ; but could he not be join'd and assisted by the Subjects of the Realm, who might be said to resist, and were invited by him so to do ? Did not this appear by the whole Tenor of his Declaration, and even by the Passages quoted by the Doctor ? And since his late Majesty could not be said to resist, but the Subjects, who, upon his Invitation, join'd with him, could, and the Resistance of Subjects is what the Doctor was speaking against ; it was plain, that the Doctor spoke of the King's disclaiming the Resistance of those who join'd with him, and not his own Resistance. And therefore the Quotation of the Passage out of the Prince's Declaration, at the bottom of that Page did not make out that he meant Conquest, by Resistance in his Sermon ; or if it did, would it excuse the Doctor's Preaching this Part of his Sermon, which was done without referring to that Passage ?

That it was said he had explain'd that he meant Conquest by Resistance in the Body of the Sermon, because he says *the Parliament burnt a Libel that would have pleaded the Title of Conquest, by which Resistance was supposed* ; but that this Passage doth not make out that he meant Conquest by Resistance, was evident from his making *Resistance* not to be *Conquest*, but only an Ingredient in it. And by representing *Resistance* and *Conquest* to be the same thing with the Doctor, he was made to say, that the Parliament burnt a Libel that would have pleaded the Title of Conquest ; by which Conquest is supposed. That it was plain therefore that Doctor Sacheverell had asserted, that his late Majesty in his Declaration disclaim'd the least Imputation of Resistance, and disclaim'd it at a Time, (if the Doctor was to be believ'd) when he was exhorting the Subjects of King James to resist, and was joining with them, and encouraging them in it ; than which it was impossible there could be a greater Reflection on his late Majesty, or the glorious Cause he then had in Hand.

That he would in the next place consider the Proof of the Third Branch of the First Article, and the Answer that had been given to it. That the Third Branch was this, *That to impute Resistance to the Revolution, is to cast Black and Odious*

Colours  
that  
Adver  
lution  
late M  
deavou  
often m  
the Pe  
Colours  
those  
he affi  
ticians  
and w  
Tha  
shewn  
was ad  
Opinio  
of the  
and to  
introdu  
Revolu  
Revolut  
Revolut  
Clause,  
relates  
and no  
Resistan  
Joseph  
of the  
not, tu  
That  
endeavo  
mon, b  
from th  
Doctor,  
lution in  
the wor  
actually s  
Point, n  
That th  
urg'd by  
had befo  
fistance  
of diver  
Preacher  
their Lo  
Adverfa



*Colours upon his late Majesty and the Revolution ; the Proof was that part of the Sermon wherein the Doctor asserts, That the Adversaries to the Doctrine of Non-Resistance, who urge the Revolution in their Defence, are the greatest Enemies to that and His late Majesty, and the most ungrateful for the Deliverance, in endeavouring to cast such Black and Odious Colours upon both : How often must they be told, &c. And the Answer to it was, That the Persons the Doctor describes, as casting Black and Odious Colours on His late Majesty and the Revolution, are not those who impute Resistance to the Revolution, of whom he affirms nothing, but those new Preachers and new Politicians, who teach Antimonarchical and wicked Doctrines, and who urge the Revolution in Defence of 'em.*

That if the Doctor had meant these Persons, he would have shewn them, which he certainly might have done, that what was acted at the Revolution, did not in the least justify their Opinions ; but he declining to do this, and placing the Defence of the Revolution on a false Fact, known to be so to himself and to the whole Nation, and this, taken together with his introducing these Men as defending their Principles by the Revolution, left the Load of these detestable Opinions on the Revolution, and not only condemn'd the Resistance at the Revolution, but branded it. That it was said, that the Clause, *Our Adversaries think they effectually stop our Mouths, &c.* relates to the Defence of these Antimonarchical Principles, and not to the general Proposition of the utter Illegality of Resistance upon any Pretence whatsoever ; and if so, Sir Joseph Jekyll agreed there was no Foundation for this Branch of the Article ; and whether he was guilty of this Branch or not, turn'd entirely on this Question.

That he little thought such a Construction would have been endeavour'd, by a wrong Recital of this Clause in the Sermon, by the Doctor in his Answer ; for there it is said, as from the Words of the Sermon, *That they, that is,* says the Doctor, *these new Preachers and new Politicians, urge the Revolution in defence of such Principles ; when their Lordships saw the words of the Sermon are, Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence.* That this therefore brought the Case of the Revolution, urg'd by these Adversaries to the Point or Proposition he had before laid down, which was the utter Illegality of Resistance on any Pretence whatsoever, and not to the Defence of divers Antimonarchical Principles, taught by the new Preachers and new Politicians ; and this was still plainer, if their Lordships consider'd that the Doctor's Reply to these Adversaries, by denying there was any Resistance at the Revolution,

volution, would only relate to the point of Non-Resistance he had before asserted, and which Resistance, if it were not denied, must stand Condemned by the Doctor's Proposition.

That as little did he expect to hear from one of the Doctor's Council, that there are twenty or thirty Lines between the General Proposition and this Clause, since if there be a Connexion between this Clause and that Proposition (which he had already shewn there was) it was not the Intervention of so many Lines would hinder it; and if there had been no Connexion, their being close together would not have made one. And by this manifest Connexion, the Doctor had brought this General Position, of the Unlawfulness of all Resistance, to bear upon the Revolution; which might serve for an Answer to the same Gentleman, who said, It is one thing to lay down the General Rule without making the Exception, and another thing not to make the particular Exception out of that Rule; for the Doctor had mentioned the Revolution, but not in order to except it, but to include it.

That indeed, the Learned Doctor who was of his Council pretended to have found out the Exception in the Sermon, Page the 10th, because he found the Word *Necessity* there; the Words are these, *Only this Maxim in general I presume may be establish'd for the Safety, Tranquility and Support of all Governments; that no Innovation whatsoever should be allowed in the Fundamental Constitution of any State, without a very pressing, nay, unavoidable Necessity for it*: But if the Doctor had but read to the end of the Sentence, he would have found Doctor *Sacheverell* condemns all that bore a part in the Revolution, before a Law was made about it; the Words that follow being these, *And whosoever singly, or in a private Capacity, should attempt it, is guilty of the highest Misdemeanor, and is an Enemy to that Politick Body of which he is a Member*: And if that Sentence respects the Revolution, then Doctor *Sacheverell* condemns all, from the highest to the lowest, who in their private Capacity joined with the Prince of Orange, or assisted in bringing about the Revolution. That this was the thing he was now charg'd with, not condemning the Revolution as a thing settled by Law, but the necessary Means used to bring it about: But if the Doctor instructed his Council to insinuate, that there was any Innovation in the Constitution wrought by the Revolution, it was an Addition to his Crime, the Revolution did not introduce any Innovation; it was a Restoration of the ancient Fundamental Constitution of the Kingdom, and giving it its proper Force and Energy.

That indeed, all the other Council differ'd from that learned Civilian, and maintain'd, That Doctor Sacheverell did not, nay, ought not, to make any Exception; and one of 'em said, if Clergymen, instead of preaching up the General Rule of Obedience, were permitted to state the several excepted Cases, such Exceptions would in time devour all Allegiance. That if the Doctor had pretended to have stated the particular Bounds and Limits of Non-Resistance, and told the People in what Cases they might, or might not resist, he would have been much to blame; nor was one Word said in the Articles, or by the Managers, as if that was expected from him; but on the contrary they had insisted, that in no Case can Resistance be lawful, but in Case of extreme Necessity, and where the Constitution can't otherwise be preserv'd, and such Necessity ought to be plain and obvious to the Sense and Judgment of the whole Nation, and this was the Case at the Revolution: And 'is there no difference, added he, between a Divine's mooring and putting Cases of lawful Resistance, and excepting the Resistance at the Revolution out of the general Rule of the Illegality of Resistance, on a Day, when he was oblig'd not only to commemorate the Revolution, but the Resistance, the Necessary Means used to bring it about, as appears by the Service appointed for that Day. And, my Lords, is a House of Commons, who are vindicating that Revolution only, to be represented as it we were calling upon Divines to state the Cases wherein Resistance is lawful, and wherein not? a Task unfit for any one, and more especially for them to meddle with; And are we, by such Suggestions as these, to be defam'd and insulted, and represented as promoting Anarchy and Confusion? He urged, that there can be no Order or Regularity, if the Constitution, the beautiful Frame of a Legal Monarchy, which this Nation had so long enjoy'd and prosper'd withal, be destroy'd or given up; what Inclination has the present Age shewn to submit to arbitrary Power; or rather, what hath been wanting in it to shew the contrary?

But that he went on to consider an Argument made use of by another of the Doctor's Council, That it was needless for him to except the Case of the Revolution, for that was known to every Body, and had often been approv'd by the Legislature: And left it to their Lordships whether the Doctor could know this, and not only nor except that Case, on a Day appointed to give solemn Thanks for it, but introduce it for no purpose but to leave it under the Condemnation of the General Rule of Non-Resistance; urging, that by this Method the Doctor had brought his General Rule to bear upon the particular Case of the Revolution; for he took but one way of acquitting the Revolution,



tion, which was by *laying down that for Truth*, which every Man knew to be *false*; and they that assert this *Truth*, he said, *cast Black and Odious Colours on the late King and the Revolution*; which made out, that *Doctor Sacheverell did Suggest and Maintain, that to impute Resistance to the Revolution, is to cast Black and Odious Colours on his late Majesty and the Revolution.*

‘ And now, added he, my Lords, what a Representation is here of that *glorious Transaction, the late happy Revolution!* The part the Subject had in it is represented as contradicting the express Command of God in Scripture, and destructive of all Governments; his late Majesty is represented as encouraging this pernicious Wickedness, and disowning it at the same time; give me leave therefore, on behalf of the Nation, and the Memory of his late Majesty its Deliverer, to state this Affair shortly; and in another Light to your Lordships. The Subjects resisted, the late King join’d his Army with the Arms of Resistance, and if the Nation at that time had not had Recourse to that Remedy, how abject and how miserable must they have been! If we look into the Histories of other Countries, have not the best and happiest Nations been most tenacious of their Liberties? And while they have continued so, and withstood absolute Power, they have been prosperous at Home, and considerable Abroad; but, when they have fallen from this Zeal, Industry, which is the Foundation of their Prosperity at Home, and Magnanimity, which makes them considerable Abroad, have deserted them, and they have sunk into Sloth and Effeminacy; Can any one therefore with any colour say, that Resistance in cases of extreme Necessity has worse Consequences than unlimited Subjection? Let us now, continued he, turn our Eyes a little on the Part our late King had in the Revolution; Did he not undertake a most hazardous Enterprize to procure us Happiness at Home, and to give us that weight Abroad which this Nation had long enjoy’d, but at that time was deprived of; and with what Care and Anxiety, even to the last moment of his Life, did he labour to secure these Blessings to us? Let us look beyond his Time, and since, for the Sense of the Nation upon this Point: What Satisfaction did the Nation take in the Assistance his renown’d Predecessor Queen *Elizabeth* gave to the oppress’d Provinces, our then good Neighbours, and our now Potent Allies; how Zealously did the Nation promote the Assistance King *James* the first gave to the injur’d Prince *Palatine*, against the Emperor his Superior Lord: And what Resolution and tender Concern for the Persecuted *Rochellers* did

‘ King

‘ King  
‘ Maje  
‘ by th  
‘ whic  
‘ state  
‘ all  
‘ cruel  
‘ Instar  
‘ so m  
‘ Non-  
That  
pretenc  
Parliam  
the par  
sider th  
before t  
and bes  
volution  
ly admi  
mention  
had fur  
and all  
Wisdor  
plain;  
effect,  
the Cor  
gainst  
hath no  
hath for  
Laws an  
Al ea  
Maxim,  
if our  
they me  
those L  
Power c  
wou’d  
their Th  
pit textu  
position  
Text of  
That  
and befor  
farther t  
and in f  
That wh  
applied

King Charles the first shew and exprefs: And has not Her Majesty assisted the Spaniards against a Prince acknowledg'd by them, and seated on the Throne? Nor did Her Goodness, which is as extensive as Her Power, overlook the poor Estate of the People in the Cevennes, or neglect to give them all possible Assistance against their King exercising a cruel Dominion over them: These, and many more Instances which might be fetcht from other Countries, are so many Authorities against this Doctrine of unlimited Non-Resistance.

That now he came to consider the Authority the Doctor pretended to have for it; his Council saying they had Acts of Parliament for this Doctrine. That he should not mention the particular Acts, because they were well known, but consider them under three Heads. First, Those Acts that were before the Restoration; Secondly, Those after the Restoration, and before the Revolution. And, Thirdly, Those after the Revolution. That as to those before the Restoration, he readily admitted they condemn Resistance generally, nor do they mention any Exception. That the Council of the other Side had furnish'd him with an Answer to 'em, they saying, *these and all other Laws have an Exception implied in them*: That the Wisdom of the Law, in not expressing the Exception, is plain; It is neither decent, nor probably would have a good effect, to put odious Cases, such as a Prince's overturning the Constitution: That the Roman Law did not provide against Parricide, nor doth the English Law neither, since it hath no distinct Punishment for that kind of Murder, tho' it hath for some others which are call'd Petty Treasons. That Laws are fram'd upon a View of ordinary and common Cases; *Ad ea quæ frequentius accidunt jura adaptantur*, is a known Maxim, and of great use in the Exposition of Laws. And if our Legislators had been ask'd the Question, Whether they meant by those Laws to make all other Laws, and even those Laws themselves, of no Validity; (which, if absolute Power can't be withstood, wou'd be the certain Consequence) wou'd they not have answer'd; Nothing was farther from their Thoughts: And if it be *Maledicta Expositio quæ corrumpit textum*, apply'd to any particular Law, what a cursed Exposition must that be, which corrupts, or rather annuls the Text of all the Laws at once?

That the next Head of Acts were those after the Restoration, and before the Revolution. That he did admit those Laws go farther than the former, and seem to condemn all Resistance; and in such Terms, as to exclude any Exception whatsoever. That what he had said relating to the former Laws might be applied to these, but further he desired it might be consider'd,

der'd, these Legislators were guarding against the Consequences of those Pernicious and Antimonarchical Principles, which had been broached a little before in this Nation: And those large Declarations in favour of Non-Resistance were made to encounter or obviate the Mischief of those Principles, as appears by the Preamble of the fullest of those Acts, which is the *Militia Act*, in the 13. and 14. of K. Charles the Second; the Words of that Act are these, *And during the late usurped Governments, many evil and rebellious Principles have been instilled into the Minds of the People of this Kingdom, which may break forth, unless prevented, to the Disturbance of the Peace and Quiet thereof: Be it therefore Enacted, &c.* That here their Lordships might see the Reason that inclined those Legislators to express themselves in such a manner against Resistance; they had seen the Regal Rights swallow'd up under the Pretence of Popular ones; and it is no Imputation on them, that they did not then foresee a quite different Case, as was that of the *Revolution*, where under the pretence of Regal Authority, a total Subversion of the Rights of the Subject was advanc'd, and in a manner effected; and this might serve to shew, that it was not the Design of those Legislators to condemn Resistance in a case of absolute Necessity for preserving the Constitution, when they were guarding against Principles which had so lately destroy'd it.

Sir Joseph Jekyll proceeded next to consider the Laws made after the Revolution, and said, their Lordships would find that the Resistance at the Revolution was not only approv'd of in express Terms, by the *Act for preventing vexatious Suits*; and indeed every Act past since the Revolution was an implicit Approbation of it. But the Declaration of the Unlawfulness of taking Arms against the King on any Pretence whatsoever, required to be taken by the Corporation Act, the Militia Act, and the Act of Uniformity, was now repeal'd. That there was another Act mentioned by one of the Doctor's Council, the *Act for regulating select Vestries*; which Act expired in King Charles the Second's Time, and was never continued. That the first Gentleman that spoke for the Doctor said, in Answer to the Repeal of this Declaration by a Clause in the *Act of the first of King William and Queen Mary, for abrogating the old Oaths, and appointing new ones*, that it is a very tender Repeal, if it be one; That he did not well understand his Meaning, but was sure that was a very tender Answer, if it be any at all. That if it be thought, that this Declaration, as it is enjoined by the Corporation Act, is not repeal'd, because the Corporation Act is not particularly mentioned in the Clause of the Act of the first of King William and Queen Mary, which repeals the Declaration:



claration: He answer'd, after the Militia Act, and the Act of Uniformity are mentioned, there follow general Words, *any Law or Statute to the contrary notwithstanding*; and this repeals the Declaration as to that Act, as well as to the other two Acts. And this Opinion had prevail'd universally, and if it were otherwise there is scarce a Corporation in *England* but would be dissolv'd by the Incapacity of their Members.

But that the same Council argued; that *the Doctrine mentioned in that Declaration must be true Doctrine, or the Declaration would not have been enjoin'd and taken so long as it was; and the Repeal don't make the Proposition false, and we might as well argue the solemn League and Covenant to be a lawful Oath.* That as to the Declaration against the Covenant, that was consider'd as a Temporary Thing only; and by the Act of Uniformity was to cease upon the 25th of *March 1682*; and therefore not at all to be compar'd with the other Declaration, which was intended to be perpetual. That as to the Truth of the Doctrine in this Declaration which was repeal'd he would admit it to be as true, as the Doctor's Council asserted it, that is, *with an Exception of Cases of Necessity*, and it was not repeal'd, because it was *false*, understanding it *with that Restriction*: But it was repeal'd, because it might be interpreted in an unconfin'd Sense, and exclusive of that Restriction; and being so understood would reflect on the *Justice of the Revolution*; and this the Legislature had at Heart, and were very jealous of, and by this Repeal of that Declaration gave a Parliamentary or Legislative Admonition against asserting this *Doctrine of Non-Resistance in an unlimited Sense*. That he must confess he did not expect to hear the *Association* and the *Abjuration Oath* brought in, as asserting this Doctrine; that if they did; this might serve to account for their taking them who believe that Doctrine; which otherwise perhaps they would be at a loss to find an honest Reason for. But, my Lords, added he, doth engaging to stand by and assist one another against all the King's Enemies, or swearing to defend the King or Queen against all traitorous Conspiracies, signifie any more than what is implied in the old Oath of Allegiance? There is, my Lords, indeed something more in the *Association* and *Abjuration Oath*; for the Person taking them in his late Majesty's Time declar'd, That he believed in his Conscience King *William* was rightful and lawful King of this Realm; this certainly put the Conscientious Taker of 'em upon a Consideration of the Foundation on which that Right and Title was built: And since there was no Foundation for it but the Revolution, and that Revolution was founded

on Resistance, how those could bring themselves up to take that Association, or that Abjuration Oath, who believ'd that Resistance unlawful, I am at a Loss to know.

That upon this Head of these several Acts of Parliament that had been mentioned, he begg'd Leave to observe, that as it is not to be supposed it was the Original Intention of any Laws to enervate the Force of all the Laws, so their Lordships saw there are since the Revolution Laws that do exclude any such Supposition, and do affirm, *that indefeasible Inheritance* which the People have in the Laws.

That the next Part of the Evidence offer'd by the Doctor was the *Homilies*, which were said to be confirm'd by Act of Parliament, because the Articles of the Church of *England* are so, and the 35th Article approves the *Homilies* as containing godly and wholesome Doctrine, and the Clergy are obliged to read and subscribe those Articles. That he believ'd it would be admitted, that no more was intended by that Subscription, but that the Doctrine contain'd in the *Homilies* is right in the main, and not that every Sentence in 'em is so; for in this last Sense he believed, never any Divine subscribed the Articles, and it would be hard to name any Preacher or Writer of Note, who had not contradicted some Passage or other in them; nay, as to one, the general and approved Practice of the Church was against it, he meant that Passage *which condemns the Use of Organs in Churches*. That surely the Sense of the *Homilies* can't be found out by reading select Passages out of them, as was done in the Doctor's Defence, but by observing the Frame and Tendency of the whole: That he might appeal to their Lordships, and especially to the Lords the Bishops, whether those who compiled the *Homilies* against Rebellion, seem'd to have had at all under their Consideration the Case of a total Subversion of the Constitution. That 'twas plain, the main Design of those *Homilies* was against the risings of the Popish Faction, and the plausible and popular Pretences made use of by them for supporting their Rebellions. Did not, *continued he*, that great Queen, in whose Time the latter Book of *Homilies* was compiled, explain Her own Opinion on this Point by the Assistance she gave to the *Hollanders* against the *Spanish* King, their Sovereign? Did not the Parliament explain themselves, by the Supplies given to the Queen for that Purpose? And did not the Clergy explain themselves likewise, by the Supplies granted in Convocation in favour of that Assistance? Can it therefore be imagin'd the *Homilies* intended to condemn

demn

demn that Resistance which the Queen, and the whole Nation, nay, even the Clergy themselves assembled in Convocation, approv'd of? And I dare say, if Doctor *Sacheverell* had read any of the Homilies against Rebellion, which he says he is commanded to do, if there be no Sermon on the fifth of *November*; I say if he had read any one of them to his Congregation at *St. Paul's*, not one of his Auditors would have thought the Revolution condemn'd by the Homily, whatever they might have thought of the Doctor.

That what the Commons accused him for, was that he lays down this general Doctrine of *Non-Resistance in Terms exclusive of any Exception*, and not content with that, *points out the Revolution* for Men to compare it with, and condemn it by; But how much better would it have become the Doctor to have imitated that Zeal which appears in the Compilers of those Homilies for a Protestant Queen against a *Popish* Faction, than to arraign the *Revolution*, upon the Defaming of which the *Hopes* of a *Popish* Faction against a *Protestant Queen* are built?

That the other Books or Writings the Doctor had produced to justify his Doctrine; were chiefly, if not all of them, the Labours of Divines: And he would place them in these two Classes, those *before the Revolution*, and *those since*. That if this *Question of Submission* were left by the Divines to those who make the Municipal Laws of their Country, or the Nature of Laws in general, their Study, and they would confine themselves to the pressing a legal Submission only, founded, as it is by the Law of *England*, on common Consent and common Good, it would be much more for the Honour of Religion, and the Peace and Felicity both of the Sovereign and the Subject. That this would be very manifest, if their Lordships call'd to Mind but two of the Doctor's Quotations before the Revolution, which were read to their Lordships; the one was a Passage out of Bishop *Sanderson*, the other the *Oxford Decree* in 1683. That Bishop *Sanderson*, and he only of all that had been quoted, had put the Case of Resistance for the Preservation of Church and State, which are but other Words for the Constitution, and had deliver'd this Doctrine of Non-Resistance in such unlimited and bold Terms, as he should not repeat, to create a second Displeasure in this great Assembly. That he willingly admitted he was a very learned judicious and pious Prelate; and if so great and good a Man fell into such indiscreet, indecent and shocking Expressions on that Subject, as did visibly affect such an Assembly as this, one would think it should discourage others from delivering that Doctrine in such a Latitude.



That the next was the *Oxford Decree*, which Condemns all Resistance whatsoever ; but, that it is observable, that in the same Decree there is a Condemnation of this Proposition that he was going to read to their Lordships, *That it is Lawful to Preclude the next Heir from his Right and Succession to the Crown* ; and yet at the same time, the condemning this Proposition, that is, the *holding, affirming, or maintaining* the contrary Proposition was by the 13th *Eliz. cap. 1.* made High Treason in her Time, and a Forfeiture of Goods and Chattels ever after. And every one knows how the Law now stands as to that Particular, by the *Act for Securing Her Majesty's Person and Government, and the Succession of the Crown in the Protestant Line.* That when we find so Great and Learned a Body criminally Erring in a Point so Fundamental, and upon which our Prospect of Happiness to future Ages, doth, under God, depend, ought it not to discourage particular Divines from pretending to determine Points of Law and Policy ? That he should hope that that University's having fall'n in at first so heartily with the Resolution, was as sincere a Condemnation of the Doctrine of *unlimited Non-Resistance*, as their solemn taking the Abjuration Oath is a publick Profession that a Parliamentary Exclusion is Lawful.

That as for all the Passages which had been read to their Lordships out of the Books or Sermons of Divines before the Revolution in Favour of Non-Resistance, their Lordships might observe their Reasons reach'd only so far, as when the Mischief is not Universal, or if it be Universal, where it is Tolerable, and not so mischievous as a Civil War. That he should mention any Passages in them (which had not been read) to limit the Generality of the Expressions concerning *Non-Resistance*, because he avoided bringing in any thing which had not been given in Evidence. That how Candid the Doctor's Collections had been, their Lordships might judge by that Quotation out of the Lord Bishop of *Salisbury's* Book, where there is an expresse Exception of the Case of *subverting Fundamentals* ; but their Lordships might see the same Candor shining out in several Passages of the Doctor's Sermon, with respect to that Reverend Prelate, whose Services before and at the Time of the Revolution, would never be forgotten by one part of the Nation, nor forgiven by another.

That he came now to the Sermons and Writings since the Revolution ; and he might appeal to their Lordships, whether they don't most plainly condemn the Doctor ; those, he meant, where they had the Fortune to be ready to call for other Passages to be read out of the same Books. Did not the Lord Bishop of *Lincoln* expressly mention the Case of the Re-

Revol  
fully  
of Pa  
liver's  
Grace  
this C  
read  
must b  
cular  
Duty  
press'd  
Instanc  
rent A  
can ;  
Obedie  
on.  
Constit  
submit  
on. T  
ing, a  
dicting  
' not  
' Refi  
' tion  
' of M  
his Gr  
Clergy  
indeed  
ment a  
Doctrin  
dons o  
of the  
verrime  
his Ser  
Censur  
indeed  
that b  
Ser.  
man to  
him to  
in We  
this ne  
Lordsh  
Tha  
tings,  
genera  
lowest

Revolution, and justify the Resistance then used? How carefully did his Grace the Archbishop of York limit this Doctrine of Passive Obedience, which the Doctor says ought to be deliver'd in the most unconfined Terms? And it was by his Grace's Notion of this Doctrine, that the Commons desired this Cause may be judged and determined. He beg'd leave to read again to their Lordships his remarkable Words. *Care must be taken that this general Doctrine be not misapplied in particular Countries. Though Non-Resistance or Passive Obedience be a Duty to all Subjects, and under all Governments, yet it is not express'd the same way in all Places; but both the Objects and the Instances of it do vary in different Nations, according to the different Models of their Government. To speak this as plainly as I can; As the Laws of the Land are the Measures of our Active Obedience, so are also the same Laws the Measure of our Submission. And as we are not bound to Obey, but where the Laws and Constitution require our Obedience; so neither are we bound to submit, but as the Laws and Constitution do require our Submission.* That this is the Doctrine the Commons were maintaining, and were calling this Criminal to an Account for contradicting. 'That if our Obedience and Submission, added he, is 'not to be extended to the Prejudice of the Constitution, the 'Resistance at the Revolution, for preserving the Constitution, stands justified, and the Doctor's unlimited Doctrine 'of Non-Resistance stands condemn'd. How prudently does his Grace, my Lords, caution the Doctor and the rest of the Clergy in another part of his Sermon, by these Words? If, indeed, a Preacher should in the Pulpit presume to give his Judgment about the Management of publick Affairs; or to lay down Doctrines, as from Christ, about the Forms and Models of Kingdoms or Commonwealths; or to adjust the Limits of the Prerogative of the Prince, or of the Liberties of the Subject in our present Government: I say, if a Divine should meddle with such Matters in his Sermon, I do not know how he can be excused from the just Censure of meddling with things that nothing concern him. This is indeed a practising in State Matters, and is usurping an Office that belongs to another Profession, and to Men of another Character. And I should account it every whit as undecent in a Clergyman to take upon him to deal in these Points, as it would be for him to determine Titles of Lands in the Pulpit, which are in dispute in Westminster-Hall. And how well the Doctor has observ'd this necessary Caution laid down by his Grace, I leave your Lordships to consider.

That he had purposely omitted taking Notice of any Writings, except such as were produced by the Doctor. But, in general, might Appeal to their Lordships, whether in the lowest Ebb of Liberty there have been wanting those in this

as well as other Countries, who have denied this slavish Doctrine of *unlimited Non-Resistance* ; whether since the Revolution this Nation has been so ungrateful to their Deliverer, or unthankful for their Deliverance, as to want those who have maintain'd the Principles of the Revolution, and have shew'd them to be as agreeable to the Christian Religion, as they are to the Nature of that Excellent Government we live under, which is that of *Limited Monarchy*. And yet notwithstanding the unanswer'd Performances of divers, both of the Clergy and Laity, upon this Subject, the Doctor had the Boldness to affirm his Doctrine to be the Doctrine of our Blessed Saviour and his Apostles : which he could not mention without the deepest Concern for the Honour of the Christian Religion. ' I beseech your Lordships, said he, in the Conclusion, What is *Liberty* but *Justice* ? And what is *Justice*, but *doing to every one as we would be done by* ? And nothing, I think, is likelier to promote the Practice of this Christian Precept, than spreading a true Sense and Love of *Liberty*, that Principle which casts out of us a narrow Regard to our selves, and introduces a diffusive Benevolence to others. And against this Principle is it that the Doctor has offended.

' My Lords, I have endeavour'd to shew that the Charge in the First Article stands prov'd against the Doctor, and that this Proof remains unanswer'd ; and if so, his being a Minister of the Gospel, his having taken the Oaths to the late King, and to Her present Majesty, his being a Fellow of that College which was in a particular manner delivered by the Revolution, are all of them Aggravations of his Offence (if it can be aggravated ; ) and which, if prov'd, his own Council admit, brings a foul Imputation on Her Majesty and Her Government, makes Her Government an *Usurpation*, and Her Subjects *Rebels* ; and that no Punishment can be too great for him.

' My Lords, I never saw that Criminal for whom I had not a hearty Compassion, but there is both Compassion and Justice due to the injur'd Innocent. Your Lordships have before you on the one hand, the Care and Concern of Dr. *Sacheverell* ; on the other, the Honour and Prosperity of a wise and brave Nation, who as they have thought nothing too much to give or hazard to defend their Liberties against a Foreign Enemy, so they hope your Lordships Justice on this Offender, will secure those Liberties against Domestic ones. Sir *Joseph Jekyll* having done speaking,

Mr. Solicitor General's Speech.

**M**R. Solicitor General said, he was commanded by the Commons to join with the Learned Gentleman who spoke last, in Replying

ing to  
cle of  
to be  
several  
*Sacheverell*  
cil had  
to bring  
be too g  
ships in  
made c  
ons, w  
and Im  
with a  
of Lav  
the Ju  
*Samuel*  
become  
Affecti  
Countr  
But th  
proved  
they li  
wrestle  
ver the  
togethe  
told th  
had no  
ships th  
in the  
they ha  
Sense,  
Adding  
' Th  
' Pillar  
' lief of  
' dition  
' Law  
' tence  
' with  
' of Go  
' any C  
' Worl  
' long  
' our C  
' cul'd  
' ted, r  
' utterl



ing to the Defence that had been made upon the First Article of this Impeachment, which the Commons insisted upon to be well grounded, and fully prov'd, notwithstanding the several Objections and Excuses that had been offer'd by Dr. Sacheverell and his Council. That one of the Doctor's Council had agreed, *That if he had asserted, that the Resistance used to bring about the Revolution was Unlawful, no Punishment could be too great for him*; but what they had offer'd to their Lordships in his Defence, was, That no such Position could be made out without the help of *Innuendo's* and *forced Constructions*, which infer'd a Meaning contrary to the Natural Sense and Import of his Words; and this way of Charging a Man with a Crime, they truly said, was not agreeable to the Rules of Law, and would contradict one of the Reasons given for the Judgment of the House of Lords, in the Case of Sir Samuel Barnardiston: And if this was the Case, it would not become the Commons of Great Britain, who have such an Affectionate Regard to the Laws and Liberties of their Country, to proceed upon an Impeachment so ill grounded. But that when the Commons had so fully and particularly proved the Assertions charged upon the Dr. by this Article, they little expected to have heard that his Words had been wrested to wrong Meanings, and made to speak what he never thought: And therefore, since the Question depended altogether upon Construction, and their Lordships had been told that the Passage upon which this Charge was grounded, had not been fully stated, the Commons must give their Lordships the trouble of Reading the Passage at large, as it stands in the Sermon; that their Lordships might judge, whether they had not taken his Words in the common and ordinary Sense, and given them the only Meaning they could bear: Adding the Passage was in these Words:

' The grand Security of the Government, and the very  
' Pillar upon which it stands, is founded upon the steady Be-  
' lief of the Subjects Obligation to an Absolute and Uncon-  
' ditional Obedience to the Supreme Power in all Things  
' Lawful, and the utter Illegality of Resistance upon any Pre-  
' tence whatsoever. But this Fundamental Doctrine, not-  
' withstanding its Divine Sanction in the express Command  
' of God in Scripture, and without which, it is impossible  
' any Government, of any Kind or Denomination in the  
' World, should subsist with Safety, and which has been so  
' long the Honourable and Distinguishing Characteristick of  
' our Church, is now, it seems, quite Exploded, and Ridi-  
' cul'd out of Countenance, as an Unfashionable, Superannu-  
' ted, nay (which is more wonderful) as a dangerous Tenet,  
' utterly Inconsistent with the Right, Liberty, and Property

of the People ; who, as our New Preachers, and New Politicians teach us, (I suppose by a New and Unheard-of Gospel, as well as Laws) have, in Contradiction to Both, the Power Invested in them, the Fountain and Original of it, to Cancel their Allegiance at Pleasure, and call their Sovereign to Account for High Treason against his Supreme Subjects forsooth ! Nay, to Dethrone and Murther him for a Criminal, as they did the Royal Martyr, by a Judiciary Sentence. And, what is almost Incredible, presume to make their Court to their Prince, by maintaining such Antimonarchical Schemes. But God be thanked ! neither the Constitution of our Church or State is so far alter'd ; but that by the Laws of Both, (still in Force, and which I hope for ever will be) these Damnable Positions, let them come from the Pulpit or the Press, either from *Rome* or *Geneva*, are condemned for Rebellion and High Treason. Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence. But certainly they are the greatest Enemies of that, and his late Majesty, and the most Ungrateful for the Deliverance, who endeavour to cast such Black and Odious Colours upon Both. How often must they be told that the King himself Disclaim'd the least Imputation of Resistance in his Declaration ; and that the Parliament declar'd, That they set the Crown upon his Head, upon no other Title, but that of the Vacancy of the Throne ? And did they not Unanimously condemn to the Flames (as it justly deserv'd) that Infamous Libel that would have pleaded the Title of Conquest, by which Resistance was suppos'd ?

He urg'd, that the Question now before their Lordships was, whether by these Words he had asserted, *That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance ; and that to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the Revolution ; which are the Assertions Charg'd upon him in this Article, as Suggesting and Maintaining, that the necessary Means us'd to bring about the late Happy Revolution were odious and unjustifiable :* Now that there was Resistance in the Revolution, and that such Resistance, in a case of that absolute and unavoidable Necessity, is consistent with the Doctrine of the Church, and the Fundamental Law of the Kingdom, was agreed by the Council ; and they had endeavour'd to convince their Lordships, that the Doctor had asserted nothing to the contrary ; for they said, ' The Resistance which the Doctor affirms the King to have disclaim'd, was only a Resistance which tended to Conquest ; and that the Doctor

did

did w  
had d  
and  
Title  
in th  
the la  
Matte  
other  
That  
Doctor  
tion of  
were fo  
Recour  
he won  
the sam  
Ingenui  
Discour  
it had b  
cating t  
these W  
Doctor  
that the  
and ther  
tlement  
cancy of  
quest, o  
and eve  
but beca  
his Argu  
and nor

That  
Article,  
impute R  
Colours i  
evafive.  
on this  
utter Ill  
course a  
Our Adv  
Point, w  
but of  
ed the m  
immedia  
Manage  
omitting  
Doctrine  
several d

did well to wipe off this Imputation, for the Parliament had declared it injurious to his rightful Title to the Crown, and had order'd a Treatise to be burnt which Suggested a Title by Conquest; and that the Doctor having his Eye in that Expression on the matter of Conquest, expressed the same by Resistance, which was applicable to the Subject Matter before, and therefore ought not to be wrested to any other Purpose.

That this was the Turn the Council would give to the Doctor's Assertion, *That the King disclaim'd the least Imputation of Resistance*: And indeed the Words of the Sermon were so plain and particular, that they were forced to have Recourse to this Evasion of a Resistance by Conquest: But he wonder'd Gentlemen could argue in this manner, and at the same time speak of reading the Words with Candor and Ingenuity, when 'twas most apparent that there is no *previous Discourse* of a Title by Conquest, or of any Treatise in which it had been asserted, that could give occasion for his vindicating the late King from any such Imputation, or to which these Words can in any Construction be applied; for the Doctor says nothing of Conquest 'till after he had Asserted that the King disclaim'd the least Imputation of Resistance, and then he goes on and lays another Foundation for the Settlement upon the Revolution, by grounding it upon the Vacancy of the Throne, before he says any thing about Conquest, or mentions the Book which had pleaded that Title; and even then he condemns that Title for no other Reason, but because it implied Resistance, which plainly shews, that his Argument was carried on upon the Subject of *Resistance*, and not upon that of *Conquest*.

That the Answer which they had given to that part of the Article, whereby he was Charg'd with Asserting, *That to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the Revolution*; was equally evasive. That what they had offer'd to their Lordships upon this Head was, That the Doctor was not speaking of the utter Illegality of Resistance, when he introduceth his Discourse about casting Black and Odious Colours, by saying, *Our Adversaries think they have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence*; but of the damnable Positions with which the Doctor charged the new Preachers and new Politicians, in the Words immediately preceding; And in this place it was that the Manager appointed to maintain this Article was charg'd with omitting about twenty or thirty Lines between the General Doctrine and the Passage concerning the Revolution, in which several distinct and entire Sentences are contain'd, concerning  
those



those Persons and their Principles, to which that Passage entirely relates: And their Lordships were told, that to apply the Instance of the Revolution to justify such wicked Principles, was what the Doctor call'd casting Black and Odious Colours upon His late Majesty and the Revolution.

But that the Commons took it to be very clear, That upon stating of the whole Paragraph, and all the Words in the order in which they lye, and upon comparing the several Passages, it would manifestly appear, that what the Doctor said about *casting Black and Odious Colours* upon the Revolution, could be applied only to those who maintain, that the Resistance us'd to bring about the Revolution was lawful and just, and that the Persons he calls our *Adversaries* are such as urg'd the Revolution in opposition to his general Doctrine of the utter Illegality of Resistance upon any Pretence whatsoever, and not to those who urge the Revolution in defence of those damnable Positions, which, he says, *the new Preachers and new Politicians had laid down*.

That this the Commons apprehended to be the only meaning that his Words in any Construction could bear; for *the Point* he was speaking of, and which he said his *Adversaries* thought they had him sure and unanswerable upon, must be some certain single Position which was mention'd before, some one Position or Principle, and not many; for 'tis *this Point*, not *these Principles*; and that single Point could be no other than the *Point of Resistance*; and the Persons he call'd his *Adversaries*, who thought they had him so sure, could be no other than those who deny his General Doctrine, and not those new Preachers and new Politicians, who say the People have a Power vested in them to cancel their Allegiance at Pleasure; because those who deny this General Position of the utter Illegality of Resistance, as applied to any one particular case, are certainly his *Adversaries*, and Enemies to his Fundamental Doctrine; for whoever can find an excepted Case, or shew an Instance in which Resistance is lawful, destroys his general Assertion; and he sufficiently shews, that he meant those who oppos'd his general Doctrine of absolute Non-Resistance, by our *Adversaries*, when he says that they urg'd the Revolution of that Day in their Defence, because the Resistance at the Revolution, which was founded in *Unavoidable Necessity*, could be no Defence to a Man that was attack'd for asserting, that the People might cancel their Allegiance at Pleasure, or Dethrone and Murder their Sovereign by a Judiciary Sentence; for it can never be infer'd from the Lawfulness of Resistance at a time when a *Total Subversion* of the Government both in Church and State was

intende  
vereign  
volution  
for asse  
never in  
and new  
that the  
rallel w  
justly d  
other D  
ed Gent  
tion in  
ous Exp  
but it  
the Re  
for it rea  
be true  
was law  
Revolut  
Resistan  
together

That  
Adverla  
neral Po  
contend  
who der  
Adversar  
utter Ill  
and of a  
the Resi  
went on  
King sol  
call'd th  
Revolut  
and the  
such Bla  
Assertin  
to repres  
fairly col  
Argumen  
from sup  
as they l  
and was  
sonable l  
apprehen  
ing, tha

intended, that a People may take up Arms and call their Sovereign to account at Pleasure ; and therefore, since the Revolution could be of no Service in giving the least Colour for asserting any such wicked Principle ; the Doctor could never intend to put it into the Mouths of those new Preachers and new Politicians for a Defence, unless it were his Opinion, that the Resistance at the Revolution could bear any Parallel with the execrable Murther of the Royal Martyr, so justly detested by the whole Nation ; or that there was no other Difference between the two Cases, than what the learned Gentleman, who first spoke for him, was pleas'd to mention in the Conclusion of his Argument, by quoting an odious Expression, (which Mr. Solicitor forbore to repeat ; ) but it was very proper to take notice of the Resistance at the Revolution, as an Objection to his General Doctrine, for it really was so, and 'twas impossible that Doctrine could be true in its full Extent, if the Resistance at the Revolution was lawful ; for 'twas most apparent, that the Justice of a Revolution, founded in Resistance, and the Principle of Non-Resistance upon any Pretence whatsoever, could never stand together.

That therefore he could mean nothing by *the Point* his Adversaries thought they had him so sure upon, but the general Position of Non-Resistance, which was the only Point contended for in that place ; and he must mean those only who denied his Doctrine of absolute Non-Resistance, by *our Adversaries* : And having no other way of maintaining the utter Illegality of Resistance upon any Pretence whatsoever, and of answering the Case of the Revolution, which, from the Resistance that was in it, was made an Objection ; he went on and denied the Resistance, by saying, That *the King solemnly disclaim'd the least Imputation of Resistance* ; and call'd those who say that there was any Resistance in the Revolution, *the Greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour to cast such Black and Odious Colours upon both.* That this was plainly Asserting, That to impute Resistance to the Revolution, is to represent it as *Black and Odious* ; which Assertion was fairly collected from the plain Course and Tendency of his Argument, not from *strain'd Inferences*, and *Innuendo's*, nor from *suppos'd*, or *forc'd Constructions*, but from his own Words, as they lye together, taken in their natural and genuine Sense, and was the only Construction that can give them any reasonable Meaning or Coherence : And therefore the Commons apprehended, That the Charge against the Doctor, for asserting, that to impute Resistance to the Revolution, is to cast *Black and*

*and Odious Colours upon his late Majesty and the Revolution, was fully prov'd, and stood unanswer'd.*

That tho' the Charge, and the Passages produc'd for the Proof of it, were so very particular, and directly pointed at the Resistance us'd to bring about the late happy Revolution, yet the Doctor and his Council were pleas'd to say, ' That he has only Asserted the Doctrine of Non-Resistance in general Terms, as it has been taught by the Apostles, the Homilies, and the Fathers of the Church in all Ages ; that in this Case, as in all other General Propositions, Cases of unavoidable Necessity, *as the Revolution undoubtedly was,* are always understood to be excepted ; and that there is no other Difference between the Gentlemen of the House of Commons and the Doctor, but whether when the general Rule of Obedience is taught, the particular Exceptions which may be made out of that Rule are always to be express'd ; or, Whether when the General Rule is laid down, the particular Exceptions are not more properly to be understood or implied : And upon this Ground they had been very Elaborate, and had produc'd many Proofs to satisfy their Lordships, that the Doctor's General Assertion of the utter Illegality of Resistance to the Supreme Power upon any Pretence whatsoever, without mentioning any Exception, was warranted by the Doctrine of the Church, and by the Law of the Land.

But that all this Pains might have been spar'd ; for 'twas plain that the Doctor was not Impeach'd for preaching a general Doctrine, and enforcing the general Duty of Obedience, but for preaching against an Excepted Case, after he had stated the Exception : He was not Impeach'd for preaching the *General Doctrine of Obedience, and the utter Illegality of Resistance upon any Pretence whatsoever* ; but because, having first laid down the General Doctrine as true, without any Exception ; he stated the excepted Case, the Revolution, in express Terms, as an Objection ; and then assumed the Consideration of that excepted Case, denied there was any Resistance in the Revolution, and Asserted, that to impute Resistance to the Revolution, would cast Black and Odious Colours upon it. That this was not preaching the Doctrine of *Non-Resistance* in the General Terms us'd by the Homilies, and the Fathers of the Church, where Cases of Necessity may be understood to be excepted by a Tacit Implication, as the Council had allow'd, but was preaching directly against the Resistance at the Revolution, which in the Course of this Debate had been all along admitted to be necessary and just, and could have no other Meaning, than to bring a Dishonour upon the

Revo-

Revolut  
Persons,  
sited in  
thing else  
in a diffi  
Answer  
olution  
revive th  
cepted C  
tentio  
of this,  
volution  
tion to f  
are the gr  
lours upo  
if Cases  
not to be  
inculcat  
particula  
Holes for  
to your I  
Case, an  
particula  
have th  
' plainly  
' aims at  
That  
' Doctor  
' to the  
' lution  
' mons,  
' to the  
' Majesty  
' was ma  
' upon th  
the Illeg  
of the R  
which w  
as Synon  
of the fa  
calling  
Allegian  
Prince ;  
Legislatur  
That h  
the Resist  
the Doctr



Revolution, and an Odium upon those Great and Illustrious Persons, *those Friends to the Monarchy and the Church*, that assisted in bringing it about. For had the Doctor intended any thing else, he would have treated the Case of the Revolution in a different manner, and have given it the true and fair Answer; he would have said, That the *Resistance at the Revolution was of absolute Necessity*, and the only Means left to revive the Constitution, and must be therefore taken as an excepted Case, and could never come within the Reach or Intention of the General Doctrine of the Church. But instead of this, he denied that there was any Resistance in the Revolution; and represented it as a Scandal upon the Revolution to say there was any Resistance in it; *Those*, says he, *are the greatest Enemies to it who cast such Black and Odious Colours upon it.* My Lords, added he, If extraordinary Cases, if Cases of Necessity, which are implicitly Excepted, are not to be stated at the time when the General Prohibition is inculcated, and it would be of dangerous Consequence in this particular Instance of the Doctrine of Non-Resistance, *by picking Holes for the Subject to creep out of his Allegiance*; I submit it to your Lordships Consideration, whether stating an Excepted Case, and then bringing it within the General Prohibition, particularly in this Instance of the Revolution, must not have the same pernicious Consequence; 'Does not this plainly shew what Spirit the Doctor is of, and what he aims at?

That their Lordships had been told, that 'What the Doctor asserts concerning the utter Illegality of Resistance to the Supreme Power, can never be applied to the Revolution; for the Legislative, the King, Lords and Commons, is the Supreme Power, and there was no Resistance to the Lords and Commons, for they join'd with His late Majesty in bringing about the Revolution; the Resistance was made only to that unfortunate Prince who was then upon the Throne; But that 'twas plain from his applying the Illegality of Resisting the Supreme Power to the Case of the Revolution, that he meant the Executive Power, which was then Resisted; and he used *Sovereign*, and *Prince*, as Synonymous Terms with the Supreme Power in other parts of the same Paragraph of the Sermon; for he spoke of calling the Sovereign to Account; and of Cancelling Allegiance at Pleasure, which could be due only to the Prince; which shewed, that the Prince only, and not the Legislature could be understood by *His Supreme Power*.

That he should not trouble their Lordships, to shew that the Resistance us'd at the Revolution was consistent with the Doctrine of the Church, and with the Law and Constitution

tution of *England*. That this was no part of the Controversie, nor was it disputed by the Council; for they agreed such Cases to be excepted out of the general Rule, and profess'd to use the several Passages that had been read to their Lordships, only to Excuse or Extenuate the Doctor's Offence, and not to Arraign the Justice of the Revolution; That therefore he should not enter into a particular Examination of them, but only observe, that if the Books, out of which these Passages were taken, were narrowly examined, 'tis possible some Expressions might be found to shew that the Authors never intended that their general Rule should extend to Cases where *the total Subversion of a Government was aim'd at*. For their Lordships must needs have observed, from the use that had been made of the Book of a Learned Prelate, call'd, *A Vindication of the Authority, Constitution and Laws of the Church and State of Scotland, Printed in 1673.* that a perfect State of Truth was not altogether to be depended upon Proofs that had been Collected out of several Authors, and read to their Lordships, and that the Sincerity of the Collector was very much to be question'd; for that Book was produced to prove the Duty of Absolute Submission, and a Passage was read for that purpose; but when the Managers look'd into the Book, they found another Passage, where the Author stating the Case of *Abuses tending to a Total Subversion*, allows, That in such a Case the Supreme Power may be Administred by another: Which shews, That this Reverend Prelate, who was so Instrumental in the Revolution, did not act in Contradiction to his former Sentiments, as was insinuated, by Citing this Treatise; but was Firm and Constant to himself, when he Embark'd in that *Glorious Enterprize*. That several Sermons that had been preach'd since the Revolution, had been likewise offer'd to their Lordships, to shew that the Doctrine of Non-Resistance has been deliver'd in general Terms, but these could be of no Service in his Defence, for the Reasons that had been given. Besides, the Commons did not think themselves concern'd to enter into the Examination of private Opinions: And for those that had been Preach'd by the Right Reverend Fathers of the Church now Living, They were the best Expositors of their own Meaning; and he should Mispend their Lordships Time to enter into any Explication of them. That the Doctor having Appeal'd to the Right Reverend Fathers of the Church, to these Right Reverend Fathers they left him, not doubting but the Nation would be satisfied how much they were concern'd for the Honour of the Revolution, and the Security of the present Happy Establishment under Her Majesty, by the just Judgment they would give upon this Occasion.

That

Tha  
to be  
had of  
for the  
pressio  
of the  
pos'd  
with  
Non-R  
mons  
'twas  
own C  
Justice  
large t  
secutio  
That  
'stice  
'Parli  
'was  
'Line  
'when  
'and t  
'Inter  
the Do  
Pretend  
Queen,  
most li  
they In  
Right i  
liament  
That  
Right i  
The Good  
That if  
that Fa  
Course.  
sage requ  
swering  
all it co  
the onl  
That th  
could no  
ment, i  
from bei  
upon the  
(which  
tle by A

( III )

That as to the Laws of the Kingdom, there needed little to be said, after what the Learned Gentleman who spoke last had offer'd to their Lordships; especially since the Council for the Doctor had all of them own'd, That the general Expressions in the Laws don't extend to any such Case as that of the Revolution, which no Municipal Law can be suppos'd to include: And if Doctor *Sacheverell* had been satisfied with laying down the general Doctrines of Obedience and Non-Resistance in the manner the Laws have done, the Commons had never given their Lordships this Trouble. For 'twas his Enttring into the Debate of what was agreed by his own Council to be an Excepted Case, and his Arraigning the Justice of the Revolution, which had been already stated at large to their Lordships, that had given Occasion for the Prosecution upon this Article.

That the Commons had alledg'd, ' That to shake the Justice of the Revolution, and the Validity of those Acts of Parliament, by which Her Majesty's Title to the Crown was declared, and the Succession settled in the Protestant Line, was a matter of the greatest Consequence, at a Time when the Hereditary Right to the Crown was Contested; and that the Friends of the Pretender could advance his Interest upon no other Ground? But it had been urg'd for the Doctor, That he could never mean any Service to the Pretender; for he Asserted the Hereditary Right to be in the Queen, and that those who deny Her Hereditary Right, are most like to bring in the Pretender. And by this Answer they Insinuated, That the Doctor had Asserted an Hereditary Right in Her Majesty, and that those who defend Her Parliamentary Title deny Her Hereditary Right.

That the Passage they cite for his Asserting an Hereditary Right in Her Majesty, is Page 2, where he calls Her Majesty, *The Good and Pious Relict of the Royal Family*; and they argued, That if Her Majesty be the Relict, and the only Prince of that Family left, she must have the Hereditary Right of Course. That their Lordships could not but observe, this Passage required some Straining, to give it any Appearance of Answering the Purpose to which they would apply it; and after all it could carry no such Meaning, Her Majesty not being the only Descendant of the Royal Family now in being: That there were several Branches of it yet remaining, and he could not believe that the Gentlemen who used this Argument, intended to exclude the Illustrious House of *Hanover* from being Part of it. That in the next place they turn'd it upon the Commons, as if they denied the *Hereditary Right* (which they should ever avow) when they Asserted the Title by Act of Parliament. That he submitted to their Lordships,



ships, Whether any thing more was said, than that the *Hereditary Right* was contested; and this was Notorious to all the World—Is taken notice of in our Oath of Abjuration, and was claim'd two Years ago by the *Pretender's* attempting an Invasion. That in such a Case 'twas certainly the Duty of every Subject, to make good all the Fences which guard Her Majesty's Title to the Crown; and we have Reason to lay some Weight upon a *Parliamentary Title*, since the Protestant Succession entirely depends upon it; and to defend the Power of Parliament, to limit the Succession of the Crown, since the Doctor had offer'd to their Lordships in Evidence a Decree of the University of *Oxford*, in the Year 1683. where this Proposition, viz. "That it is Lawful to Preclude the next Heir from his Right and Succession to the Crown," was solemnly Condemned, as False, Seditious and Impious; which he (*Mr. Solicitor General*) the rather took Notice of, because the Doctor relied so much upon the Authority of that University; but he must take leave to say, That if the same Principle should still continue to be taught, or to be believ'd in that University, where so many of our Gentlemen receive their first Impressions, it must one time or other involve us in Blood, and leave Posterity in endless Disputes about the Title to the Crown; and therefore 'twas of the greatest Consequence to Her Majesty, and the Security of Her Person and Government, the Continuance of the Succession in the Protestant Line, and the Peace and Happiness of this Kingdom, to maintain the Power of Parliament to settle the Succession to the Crown, which has been exercis'd in all Times, and frequently resorted to by Her Majesty's greatest and wisest Predecessors: That this was not to make way for the *Pretender*, but to shew that he is effectually and legally excluded; and that Her Majesty has not only the *Hereditary Right*, but the *Sanction of an Act of Parliament*, which has been always thought sufficient to bind the Succession to the Crown, and is the plain way to establish Her Majesty's Throne against all Attempts whatsoever.

That their Lordships were told, That these Sermons were not preach'd with a Seditious Intention, and that the Doctor could never be suppos'd to have a Design to Undermine the Government, by Preaching up the utter Illegality of Resistance: Which had indeed some shew of an Excuse; but if their Lordships consider'd in what manner he had applied his Doctrine of Non-Resistance, and the Use he had made of it, together with the general Design of the Sermon, which was a virulent Invective throughout, it would appear, that he could not take a more proper Course to Incite the People

to

to Sec  
Kingd  
was au  
our p  
Force,  
gal, O  
he Cha  
with a  
could r  
the Go  
no Obo  
manag  
Power,  
That t  
and w  
these;  
tender,  
ration.

That  
being ha  
rious,  
Archbis  
produc  
is this P  
" The  
" tors o  
" dispar  
" and th  
" ples up  
" what  
apparent  
of Alleg  
king the  
Guilt.

That  
he could  
Doctor ha  
had been  
ment, by  
punish'd,  
quitted;  
cil, who  
Moment,  
Considera  
And cert  
For when  
State are

to Sedition, and to create Jealousies and Discontents in the Kingdom: For, First, he endeavour'd to shew, That if there was any Resistance in the Revolution, the Foundations of our present Happy Settlement were laid in an Unlawful Force, because such Resistance was, as he says, *utterly Illegal, Odious, and Unjustifiable*. And having laid this Ground, he Charged Her Majesty, and those in Authority under Her, with a general Male-Administration; and what Inference could the People make from such Positions as these, but that the Government they are under is Ill-founded; and therefore no Obedience is due to it; and since there is a general Mismanagement in the whole Administration of the Executive Power, 'tis their Interest to get rid of it as soon as they can? That this was the plain Tendency of his whole Discourse, and whose Interest was best serv'd by such Discourses as these; whether that of Her Majesty, or that of the Pretender, he submitted to their Lordships impartial Consideration.

That the Doctor would have no Reason to complain of being hardly us'd in having his Intentions censur'd as Seditious, if he consider'd what that great Prelate, the Lord Archbishop of *York*, had said in the Sermon that had been produc'd in Evidence before their Lordships, in which there is this Paragraph, *viz.*

" They are the Factious, they are the Setters up or Abettors of Parties, who endeavour to destroy, or unsettle, or disparage, or at least to hurt and weaken the Government and the Laws, as they are Establish'd; let the Principles upon which they go, or the Pretences they make, be what they will. And if his Seditious Intentions were apparent from the Sermon, his having taken the Oaths of Allegiance, his Signing the Association; and his taking the Abjuration, were so many Aggravations of his Guilt.

That he had troubled their Lordships a great while, but he could not forbear taking notice of one thing which the Doctor had complain'd of as a Hardship, he meant, that he had been Prosecuted in this publick manner by an Impeachment, by which, he said, he should have been abundantly punish'd, tho' he should have the Happiness to be at last acquitted; But this Complaint was answer'd by his own Council, who acknowledged his Case to be a Cause of very great Moment, and that the Points now under their Lordships Consideration, were proper only to be settled in Parliament; And certainly no other Court could have been so proper: For when the Foundations of the Government in Church and State are apparently struck at, and undermin'd, under pretence

of Zeal for the Constitution ; when Her Majesty's Title to the Crown is endeavour'd to be weaken'd, under the Colours of Obedience and Loyalty ; when the Quiet and Repose of Her Majesty's Protestant Subjects is disturb'd, under a pretended Zeal for the good of the Church ; when the Safety of the Church is in the greatest Danger from those who declare the most Affectionate Concern for her Welfare and Prosperity ; when the Fathers of the Church are defam'd by those who pretend the greatest Reverence for the Episcopal Order ; and when Her Majesty's happy Administration is publicly vilified and expos'd in the most audacious and insolent Manner, where should the Commons apply for Justice but to this Supreme Judicature ? Or where could they expect an adequate Remedy to these great and growing Evils, but in full Parliament ? They had therefore brought this great Offender before their Lordships, and had the highest Satisfaction in a full Assurance of their Lordships impartial Judgment. The *Solicitor General* having ended his Speech, Mr. *Lechmere* said,

Mr. *Lechmere's* **T**HAT the Gentlemen, who had now Spoke before him, had gone through the Subtance of the Reply to the First Article, shewn to their Lordships the Weakness and Vanity of the Defence, which had been made to it ; and fully reasserted that Part of the Charge, by which Dr. *Sacheverell* stood Accus'd, in the Name of the Commons of *Great Britain*, of Condemning the *Necessary Means* us'd to bring about the late happy Revolution. That their Consideration of this Branch of the Impeachment, and of what had been offer'd to them in Maintenance of it, had, doubtless, created in their Minds an Impression equal to its Weight, and to the many great Consequences which depended upon it : But they perswaded themselves, that, when their Lordships reflected on the Nature and Method of the Defence, 'twould more clearly discover to their Lordships and the World, how necessary a Task the Commons had taken on themselves in this Prosecution, of what high Concern it was to Her Majesty and Her Government, and to our common Security, that this Fundamental Question should receive this publick and solemn Discussion, That the false Zeal, which the disguis'd Enemies of Her Majesties Title had the Confidence to put on, by endeavouring to cover the worst Designs, under the sacred Names of *God* and *Religion*, and the strongest Professions of Loyalty and Allegiance, might be brought to the Test, and the true Foundations of the Safety of the Kingdom be understood and asserted. That the part assigned him in opening the Charge, led him to take notice of some Passages which had fall'n from the Council ; and tho', what I should

shoul  
futed  
That  
instit  
only a  
sovere  
lution  
neral  
pressio  
no P  
not b  
'Tis o  
Case  
that  
begin  
himse  
' of l  
' the  
' app  
' stan  
' it.  
view  
Passag  
er, ar  
sistan  
deed,  
in all  
defini  
Supre  
his m  
Case  
ral R  
from  
Non-  
to the  
more  
induc  
ble, T  
stance  
part o  
terfug  
Argum  
Assert  
Execu  
as stat  
tation  
amina



should first mention, had been already observed and fully refuted, yet he must beg their Patience to resume it a little. That the Gentleman who began the Defence said, That 'twas insisted on the first Day of the Tryal, *That the Doctor had not only asserted the utter Illegality of Resistance on any Pretence whatsoever ; but that he had likewise declared himself, That the Revolution was not such a Case as ought to be excepted out of his General Rule, and this he said, he denied ; and, if such an Expression could be found in the Doctor's Sermon, he should think no Punishment too great for him.* That their Lordships could not but observe the Argument which immediately followed ; 'Tis one thing, says he, *expressly to affirm the Revolution is such a Case as ought not to be excepted, and another thing not to make that Exception.* That the Lords were told, indeed, in the beginning of the same Discourse, and afterwards by the Dr. himself, 'That his general Assertion, of the utter Illegality of Resistance on any Pretence whatsoever, did not relate to the Resistance used to bring about the Revolution, it being applied to the *Supreme Legislative Power*, to which no Resistance was then made, the Lords and Commons joining in it. That this was a Meaning which the Dr. had not in view when he Preach'd the Sermon ; for, by observing the Passages, the Lords would find that the Words *Supreme Power*, are no part of the Assertion of the utter Illegality of Resistance on any Pretence whatsoever ; That the Dr. did indeed, affirm unconditional Obedience to the Supreme Power in all things Lawful, but the Illegality of Resistance was indefinitely and universally affirm'd, and not restrain'd to the Supreme Power : That 'twas likewise evident, not only from his mentioning the Case of the Revolution, which was the Case of Resistance to the King, as an Objection to his general Rule, of the utter Illegality of Resistance, but likewise from the subsequent Parts of the same Paragraph, that the Non-Resistance which he Preach'd up, was Non-Resistance to the Supreme Executive Power ; and indeed, this was still more evident from the Fallacy of that, which was offer'd to induce their Lordships to think otherwise, it being undeniable, That the Lords and Commons did not join in that Resistance as part of the Legislative and Supreme Power, but as part of the collective Body of the Nation. That this Subterfuge, frivolous as it was, being soon departed from, the Argument proceeded upon the Supposition, that the general Assertion in the Sermon was to be understood of the *Supreme Executive Power*. That he return'd therefore to the Objection, as stated before, which, being deliver'd with uncommon Oten-tation their Lordships would allow me to enter into the Examination of it ; *The Subjects Obligation to an unconditional Obe-*

dience to the Supreme Power in all things Lawful, and the utter Illegality of Resistance on any Pretence whatsoever, was the Doctor's general Rule, which he affirm'd to be the Security of our Government, and the Belief of this *the very Pillar on which it stands*. That their Lordships might here observe, that the Doctor, in delivering his general Rule, had gone pretty much beyond that Apostile he would be thought to imitate; for the Apostile, in general Terms, enjoins the Duties of Obedience and Subjection to the higher Powers, not mentioning any Exception, when he lays down those Precepts; The Dr. goes on, and his next Sentences contain a general Observation, That, tho' his Fundamental Doctrine was now become unfashionable and exploded, as a dangerous Tenet, inconsistent with the Rights, Liberties and Property of the People, yet, God be thanked, it still continued to be the Doctrine both of Church and State; and then follow these Words, *Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they uise the Revolution of this Day in their Defence*. That no Body could doubt what Revolution the Dr. meant, nor, that under the Term *Revolution*, by which he expresses the Objection made to the general Rule of Non-Resistance, he meant the Resistance suppos'd to be made at that Revolution: Which he stated, as the unanswerable Objection made by his Adversaries to his Point, to his Rule of Non-Resistance on any Pretence whatsoever.

That if their Lordships collected the Sense of the Paragraph thus far, it would stand thus; *Those Persons, who explode absolute Non-Resistance to the Prince as a Tenet dangerous to Liberty, in Defence of that their Opinion, object to us, who avow this Tenet as the honourable and distinguishing Characteristick of our Church, the Resistance us'd to bring about the late happy Revolution, as an Exception out of our general Rule of Non-Resistance*. That the Doctor having thus laid down his Rule in universal Terms, and expressly taken Notice of the Case of the Revolution as an Objection rais'd against it by other People; their Lordships were next to consider, what became of this Objection; in what manner it was treated by him, and what Judgment did pass upon it? That the Dr. did not drop the Objection without considering it further, he was not silent in the Matter, he did not leave this as an Exception implied and to be suppos'd by the general Rule, but proceeded and argued expressly upon it for two or three Sentences together; Nor were his Expressions in this respect entirely agreeable to those of the Apostile. In the next place, did the Doctor yield the Objection to his Adversaries? Did he allow the Resistance us'd to bring about the late happy Revolution to have been

a lar  
ral  
ing  
Exce  
woul  
the  
fistan  
stanc  
by v  
Colo  
he In  
tion,  
havin  
that  
Title  
effect  
Affe  
by a  
Cond  
red th  
of hi  
verlan  
futed  
Concl  
Gover  
those  
&c.  
tence  
and P  
the C  
he rea  
could  
genera  
should  
any D  
That  
was od  
Fundam  
whatso  
his D  
their  
Passage  
the S  
could  
pretati  
the Ba  
tis one

a lawful Resistance, and to be an Exception out of his general Rule? No, just the contrary: He was so far from agreeing with his Adversaries in this Point, or giving way to the Exception, that in Vindication of the Revolution, as he would be thought to speak, he pronounced those, who make the Exception, and contend for the Lawfulness of that Resistance, to be Enemies to the Revolution; and that Resistance which the Commons assert to be the Necessary Means by which it was brought about, he described to be odious Colours cast upon the Revolution. That in his next Sentence he Insinuated, That there was no Resistance at the Revolution, and, to that end, Misrepresented his late Majesty as having disclaim'd it; and with the same intent likewise, that the Parliament set the Crown on his Head, on no other Title than of the *Vacancy of the Throne*; and still the more effectually to delude his Hearers into the Belief of his general Assertion, grossly and ridiculously perverted the Censure past by a future Parliament upon the Notion of *Conquest*, as a *Condemnation of that Resistance*. That having thus considered this Objection of the Revolution, and the following parts of his Paragraph being Expressions of Triumph over his Adversaries, whose Objection he would be supposed to have confuted, towards the close of it he used these Words, as his Conclusion and Judgment upon it; *In short, as the English Government can never be secure on any other Principles but strictly those of the Church of ENGLAND, so he will be bold to say, &c.* That his general Rule of Non-Resistance on any Pretence whatsoever he had before laid down as the Doctrine and Principle of the Church, which, after having consider'd the Case of the Revolution as an imaginary Exception to it, he reasserted in those Words. And what clearer Indication could their Lordships receive of the Doctor's Intention in his general Assertion? Could their Lordships, or any Body that should consider the Tenor of that part of his Discourse, retain any Doubt whether he had *plainly and fully declared himself, That the Resistance us'd to bring about the late happy Revolution was odious and unjustifiable, and not to be excepted out of his Fundamental Rule of the Illegality of Resistance on any Pretence whatsoever?* And could it be said that this Interpretation of his Discourse was *strain'd and unnatural*? Was this Part of their Charge maintain'd by *conjoining distant and independent Passages*? Or was not the Connexion clear and necessary, and the Sense they contended for, the only Sense, the Words could properly bear, in the most candid and genuine Interpretation of them? That the Gentleman, whose Objection from the Bar, he (Mr. Lechmere) had been considering, said, *That is one thing expressly to affirm that the Revolution is not to be ex-*



cepted, and another thing not to make that Exception ; but, tho' the Words of the Sermon were not an exprefs and literal Affirmation, yet if this Construction appear'd to their Lordships to be necessary and certain, they would be taken by them to be an ample and undeniable Declaration of his Mind ; and this poor Shift, thus emphatically insisted on at the Bar, would amount to no more, than what the Dr. had before laid in his Answer in plainer Words, *That he had not maintain'd the Necessary Means to be Odious and Unjustifiable, because he had not made use of those very Words.*

That the next Passage which he should observe to their Lordships, fell from the Gentleman who spoke third in Defence of this Article ; his Words were these ; I have been careful and exact in collecting them, ' One Learned Gentleman, says he, did observe, that there was an Original Contract, and that by that Contract, if the Executive Power invaded the rest, that Contract was broke, and the People discharged from their Allegiance ; but he did not think fit to take notice when that Contract was made : I would fain know, whether it was before *Magna Charta* or since ; if it was before, it is much no mention is made of it there, for that has been always look'd upon as the Great Charter of the Rights of the People. Was it before 25 Ed. 3. ? then I would know, Whether that Contract made before the 25 Ed. 3. could ever discharge that Act which was made after it ? If it doth discharge the Subject of their Allegiance, I have never yet known it pleaded to any Indictment for High Treason upon that Act ; and, therefore, 'Till the Legislature shall determine what that Contract is, and what Breach of it shall discharge the Subjects of their Allegiance, I must take leave to say, that Resistance stands still upon the Foot of the Statute of 25 Ed. 3. That the Nature and Consequence of this Passage would bear a much more ample Consideration, than his Time has allowed him to give it, or than might be fit to trouble their Lordships with, on this Reply ; but, he conceived a short Notice of it, and of the near Relation it bore to the Matter now before them in Judgment, might yield a pretty clear Discovery and Explanation of the whole. But the distance of Time since the opening of the Charge, and the many palpable Misconstructions, which some of the Council had allowed to themselves, of what had been offered by some of the Managers in behalf of the Commons, made it necessary for him, even in this Particular, to remind their Lordships of the Connexion of the Discourse, out of which this Observation was rais'd : That their Lordships were acquainted, in opening the Charge, with how great Caution, and with what unfeigned Regard to Her Majesty and Her Govern-

Government, and to the Duty and Allegiance of Her Subjects, the Commons made choice of the words *Necessary Means*, to express the Resistance that was made use of to bring about the Revolution, and, with the condemning of which, the Dr. was charged by this Article; not doubting, but that the asserting the *Honour and Justice of that Resistance*, from the Necessity of that Case, and to which alone they had strictly confin'd themselves, when duly consider'd, would confirm and strengthen, and be understood to be, an effectual Security of the Allegiance of the Subject to the Crown of this Realm in every other Case, where there is not the same Necessity; and that the *Right of the People to Self-defence, and Preservation of their Liberties by Resistance*, as their last Remedy, is the *Result of a Case of such Necessity only*, and by which the ORIGINAL CONTRACT between King and People is broke. That this was the Principle laid down and carried through all that was said with respect to Allegiance, and on which Foundation, in the Name, and on the Behalf of all the Commons of Great Britain, they asserted and justified that Resistance, by which the late *Happy Revolution* was brought about. That when the Gentleman from the Bar endeavour'd thus, in a *ludicrous manner*, to explode the Original Contract between the King and People, he must not be supposed to be ignorant, that those very Words are part of the Vote of the *Abdication*, the Vote of both Houses of Parliament, at the time of the Revolution, antecedent to that Settlement of the Crown, on which Her Majesty's *Parliamentary Title*, and our present Establishment, is founded. That he had thought it necessary to Transcribe that Proceeding from their Lordships Journals, now lying on their Table, and would state it to them, as he had taken it from thence. That upon the twenty ninth of *January, 1688*, A Message was brought from the Commons by Mr. Hampden and others, who said, *The Commons taking into their Consideration the State of this Kingdom, had pass'd a Vote, to which they desired your Lordships Concurrence, which Vote was as follows; Resolved, That King James the Second having endeavoured to subvert the Constitution of the Kingdom, by breaking the Original Contract between King and People; and by advice of Jesuits and other wicked Persons, having violated the Fundamental Laws of this Kingdom, and having withdrawn himself out of this Kingdom, has abdicated the Government, and the Throne is thereby become vacant. That their Lordships House Resolved it self into a Committee of the whole Houle, and the Vote, containing in it divers Particulars, upon the 30th day of January was considered by Paragraphs, the first of which was, That King James the Second having endeavour'd to Subvert the Constitution of the Kingdom, by breaking the Ori-*

*ginal Contract between King and People*; to which the Committee, and the House afterwards, agreed without any Amendment: Now, when it appear'd to their Lordships and the World, that *breaking the Original Contract between King and People*, were the Words made Choice of, by that Houle of Commons, with the greatest Deliberation and Judgment, and approv'd of by their Lordships, in that first and Fundamental Step made towards the Re-establishment of the Government, which had receiv'd so great a shock, from the *evil Councils*, which had been given to that unfortunate Prince, and that they were stated in that Vote as a Consequence of his endeavouring to Subvert the Constitution of the Kingdom; he need not say, how much the Lawfulness of that Resistance, which had been before made by the People, and which was now the immediate Question, nay, how much the Justice of the Revolution it self, would be affected by a Condemnation of that Position: And what Light did it give to the Question now before their Lordships, when at their Bar, in Defence of a Person accus'd by the Commons for condemning the Necessary Means which brought about the Revolution, they had heard that *Original Contract*, at that time so solemnly declared to be a Fundamental Principle, publicly denied, *ridicul'd and endeavour'd* (in what manner 'twas easie to judge) *to have been exploded?*

That the Truth of that Position had its Foundation in the Nature and Essence of the Constitution of our Government, and it would stand, so long as this remains; and the Sanction, it had receiv'd from their Lordships, and from that House of Commons, who had with so much Wisdom and Bravery asserted the Rights of the Kingdom in that extraordinary juncture, and who, pursuant to that Resolution, settled the Crown upon Her Sacred Majesty, ought to render it indisputable, so long, at least, as that Establishment is preserved to us. But yet, could he (Mr. *Letchmere*) think it reasonable to enter into it, to consider more particularly the Nature of our Government, to draw together some of the many incontestible Evidences of its Original Freedom, to consider more particularly the Nature of our Government, to draw together some of the many incontestible Evidences of its Original Freedom, to consider the Nature, Antiquity, and History of the Coronation Oath, and the Oath of Allegiance, and the mutual Obligations and Consequences arising from them to the Prince and People; Was he to go over the several Branches, that make up the ancient Frame of our Government, and which speak and express a Consent and Compact between the Prince and People in their Institution, and was he to observe that inseparable Relation and equal Security which they import between the Crown and the Subject,

and

and v  
sent s  
fition  
King  
demon  
Obser  
pos'd,  
tion v  
speak  
mine,  
That  
vow  
but t  
many  
almost  
of A  
tract  
and T  
gillat  
the C  
there  
Orig  
only  
who  
ment,  
had b  
Defen  
Hook  
betwe  
produ  
excel  
whic  
the a  
Foun  
Power  
preca  
lurd,  
whic  
and u  
of th  
whic  
the  
confi  
Passa  
Legis  
Bread  
took  
E. 3.



and which are so many infallible Tokens of Original Consent stamp'd upon them, the Truth and Certainty of that Position of an ORIGINAL CONTRACT between the King and People, might be laid down to their Lordships in demonstrative Ternis. That the Gentleman that rais'd this Observation soon afterwards, in the same Discourse, suppos'd, that by the *Original Contract*, the Original Constitution was meant; That how strictly proper that manner of speaking might be found to be, he would not now determine, yet thus much might with Certainty be concluded; That the denying the Original Contract, is not only to disavow the whole Proceeding at the time of the Revolution, but to renounce the Constitution it self, to disclaim those many and undeniable Proofs and Testimonies of it, which almost every part of our History, our Records and Memorials of Antiquity, will furnish. That to deny the Original Contract of Government, is to contradict and condemn the Voice and Tenor of all our Laws, of every Act of the Supreme Legislative Power, the Force and Efficacy of which exists upon the Consent of the Crown, Lords, and Commons, and are therefore so many lasting and unerring Proofs of that, as the Original Foundation of that Supreme Power; That 'tis not only to oppose the constant Judgment of all learned Men, who have understood and wrote impartially of our Government, but even the Sense of many of those Writings, which had been produced and read to their Lordships in the Dr's. Defence, and, more particularly, that of the judicious Mr. Hooker. That to deny and condemn the Original Contract between King and People, what other Consequences cou'd it produce, than to unhinge the Government, and to destroy that excellent Ballance of Power, which is secur'd by it, and by which it has been so long preserved? That it must weaken the ancient and just Prerogatives of the Crown, subvert the Foundations of their Lordships Legislative and Judicial Powers; render the Parliamentary Rights of the Commons precarious and uncertain; and terminate at length in that absurd, yet dangerous, Opinion, of the *Patriarchal Right*, which, when joined together with the Doctrines of absolute and unlimited Non-Resistance, and unconditional Obedience of the Subject to their Prince, compleats that fatal System, which had been, of late, so much contended for, towards the enslaving Mankind. But that their Lordships would consider further, what Use and Application was made of this Passage by the Council; his Conclusion was, *That till the Legislature had determined what that Contract was, and what Breach of it shall discharge the Subjects of their Allegiance, he took leave to say, that Resistance still stood upon the foot of 25.*

E. 3. That the Managers stood there entrusted to maintain the

the Charge contain'd in their Article, to assert the Justice of that Resistance only, which brought about the late happy Revolution; and that being the Resistance in question, and to which alone they had apply'd themselves, and in Support of which the *Original Contract* was mentioned; what was the plain *English* of this Inference drawn from the denial of it, did it not amount to an open and positive Declaration from the Mouth of Dr. *Sacheverell's* Council, That that Resistance which was the necessary Means us'd to bring about the late happy Revolution, instead of being an Honourable and Lawful Resistance, was an Act of Rebellion and High-Treason?

That having consider'd these Particulars, he begg'd their Lordships Indulgence to make a few Observations on the Nature and Method of the Defence to this Article: That their Lordships would remember, tho' it seem'd to have been totally forgot on the Prisoner's part, that the Maintenance of this Article had not rested on the Doctor's general Assertion alone, but upon the following Passages, now stated to their Lordships; from whence the Managers had undertaken to convince them, that Doctor *Sacheverell* had applied that general Rule of Non-Resistance to the particular Case of the Revolution; and this, having render'd the Independent Consideration of the general Assertion, wholly immaterial, when their Lordships afterwards heard the Admissions that were made by the Council, of the Legality of the Resistance us'd to bring about the Revolution, their Lordships might reasonably have expected, that the only Question remaining on this Article would have been, *how far those subsequent Passages of the Sermon did Evince the Intent of the general Assertion.* But, tho' the Question had been thus plainly stated and maintain'd, and the Method of the Doctor's Vindication thus clearly pointed out to him, yet how little had been said? How little notice had been taken of this, which was his proper Defence? The Gentleman who began the Defence had, indeed, denied the Charge of this Article; the Force of that, and of his Argument, which followed, had been considered; but if their Lordships should not think fit to accept that single Attempt as sufficient to acquit the Prisoner, (together with a nervous Observation of the Interposition of some Lines between the general Assertion, and that Sentence wherein the Revolution is named) how much would their Lordships find, throughout that long and labour'd Harangue, that could be judged by them, at all material, to the true Question before them? For, tho' the general Doctrine of Non-Resistance, the Doctrine of the Church of *England*, as stated in her Homilies, or elsewhere deliver'd, by which the general Duty of Subjects to the Higher Powers is taught, be owned to be, as un-

questionably

questio  
this g  
Rever  
preach  
ctrine  
dience  
mainta  
vines,  
cent a  
and w  
the fan  
the A  
Rever  
great  
ence,  
tice of  
to the  
these,  
the ge  
express  
ance,  
was th  
the fan  
down  
of the  
dom,  
Obedi  
can be  
by the  
of the  
to a ca  
was,)  
in our  
genera  
Decla  
tion o  
of thi  
observ  
appear  
Majest  
heard  
ry tend  
much  
Lordsh  
could  
Argum  
their L

questionably it is, a godly and wholesome Doctrine; tho' this general Doctrine has been constantly inculcated by the Reverend Fathers of the Church, dead and living, and preach'd by them, as a Preservative against the *Popish* Doctrine of deposing Princes, and as the ordinary Rule of Obedience; and, tho' the same Doctrine has been preach'd, maintain'd and avow'd by our most Orthodox and able Divines, from the time of the Reformation; And, How *Innocent a Man* soever Dr. Sacheverell had been, if, *with an honest and well-meant Zeal*, he had preach'd the same Doctrine, in the same general Terms, in which he found it deliver'd by the Apostles of Christ, as taught by the Homilies, and the Reverend Fathers of our Church, and, in Imitation of those great Examples, had only press'd the general Duty of Obedience, and the Illegality of Resistance, without taking Notice of any Exception; yet, what Excuse could be derived, to the Matter now in Question, from such Considerations as these, in Favour of the Doctor, who, had not only asserted the general Rule in Terms of the greatest Latitude, but had expressly mention'd and disallow'd the Exception of the Resistance, which brought about the Revolution? And, whatever was the Language of our Laws, *repealed or in force*, wherein the same general Duty of Subjects is stated, and the Rule laid down to them, as Necessary and Fundamental for the safety of the Crown and Government, and the Peace of the Kingdom, and which are meant to enforce and secure their Civil Obedience in ordinary cases, (but which no Body would say can be construed to extend to the case of a People, threatened by their Prince with total Destruction, the utter Subversion of their Laws, and the loss of their Religion and Liberties, to a case of the last Necessity, *such a Case as the Revolution was,*) yet no Use could possibly be made of such Declarations in our Acts of Parliament to justify the Doctor, who by his general Assertion, had not only out-gone even those general Declarations, but had undeniably applied it in Condemnation of the Case of the Revolution, which was the Charge of this Article. That their Lordships would allow him to observe yet a little further: That the Nature of this Article appearing to every Body to be of that near Concern to Her Majesty and Her Government, their Lordships had, indeed, heard very warm and pathetick Expressions of Loyalty of very tender and dutiful Regard to Her Majesty's Title, and much Labour and Vehemence was us'd to perswade their Lordships into a Belief of this: But yet their Lordships could not but observe, where the real Stress and Force of the Argument was plac'd, and where it center'd at last; That their Lordships would find, the great Effort was made to Establish



establish the general Doctrine of *Non-Resistance*, to inculcate this, in Terms of the largest Extent, in the same universal Terms, wherein the Doctor had delivered it, and than which Mr. Lechmere was at a Loss to find Words that could extend it further; That if their Lordships should think fit to look back, with particular Exactness, upon the several Discourses, which had been made from the Bar on this Article, and, for their more accurate Judgment, should think proper to lay them together, and observe their Consistency; and if, from such an Examination, they should see Cause to compare that, which was first delivered, with that, which was afterwards spoke by the Doctor himself, (for, between them the Resemblance seem'd to be the nearest and the Difference between them in the Notions of *Allegiance* but very small,) their Lordships, might perhaps, in a great Measure, Collect from thence the true Genius of this Defence. That their Lordships would observe in how different a Manner, with what different Zeal, the main Points in Agitation had been handled by them; he meant, the Justice of the Resistance, which brought about the Revolution, and the general Doctrine of Non-Resistance. That it had already been observed, that the Doctor himself made no Admissions concerning the Lawfulness of that Resistance, but had us'd Expressions of due Regard to the Protestant Succession; That the Gentleman, who open'd the Defence, it being, it seems, of no Consequence to the present Occasion, came to no Declaration in this Point of the Protestant Succession; But, as to the Honour and Justice of the Revolution, his Approaches were nearer; He had acquainted their Lordships, That *there is nothing further from our Hearts, nor any thing less Necessary for our Defence, than for us to call in Question the Justice of the Revolution.*

That at another Time, he delivered himself in general Terms; *Such a Case*, (that is, a Case of Necessity, a Case never to be mentioned, but to be suppos'd and implied) *the Revolution was*: But, in other Parts of the same Discourse, the Expressions, *even concerning the Revolution* would be found to be more reserv'd and wary, and always soften'd with some saving Particle: Thus shy and tender at the best, had the Admissions been from those two Discourses, of the Lawfulness of that Resistance which brought about the late *Happy Revolution*: But, as for the Doctrine of Absolute Unlimited Non-Resistance, by which, if it be not an Erroneous Doctrine, the Justice of the Resistance, which was the Necessary Means that brought about the Revolution, (and in pursuance of which the Crown was settled on Her Majesty and the Protestant Line) must for ever remain Condemn'd;

What Fervency and Copiousness of Expression was, said he,

us'd

us'd to Establish that? What Cautions had appear'd to guard and secure this Doctrine as Inviolable? How often, and with what Zeal was it inculcated, that the general Doctrine, was that Doctrine which alone was to be preach'd and press'd? The Exception, *the Case of Necessity, the Case of the Revolution*, the only Case contended for, was not fit to be mentioned; The Dr's. general Rule was that alone, which was proper to be inculcated and believed; the excepted Case never to be stated, but to be suppos'd or imply'd, and *to be left to justify it self.*

My Lords, *continued he*, How comes it to pass, that so little Concern has been shewn, in the Course of this Debate from the Bar, to that, which was the proper Defence of the Criminal, to clear the Passages of his Sermon from the noxious Meaning they had been shewn to bear? How comes it to pass, that the Honour and Justice of the Revolution is thus tenderly Acknowledged; but yet, all that has been said to Support it, has by this Gentleman been endeavour'd to be enervated, and at the same Time the extreme Zeal shewn to Establish the general Position, tho' altogether immaterial? I'll once more venture at a *Charitable Reconciliation of those seeming Inconsistencies*: Upon a very strict and minute Recollection, your Lordships will find, that *the Resistance, the Necessary Means* us'd to bring about the Revolution, is never once Acknowledg'd in that first Discourse in *plain and express Terms*: The Case of Necessity in general, the Case of the Revolution, was so ambiguously spoke of, and so skilfully given up, that, by the kind help of some happy Distinction, when the Season is proper, 'twill be easie to retrieve it; tho' your Lordships may remember some plausible Expressions concerning the Justice of the Revolution, yet you will find, the real Conclusions of the Discourse tend to condemn it; and such remarkable Instances chosen, such as the Case of the two *Spencers*, which, being applied to the Case of the Revolution, represent its Principles damnable, its Consequences detestable, and the Assertors of it deserving Banishment; Your Lordships will find the Argument so well adjusted to the main Point in view, to Establish the *slavish* Doctrine of *Absolute Unlimited, Non-Resistance*, that, if the worst should happen, even that against which we are now contending, the judicious Reserves that Gentleman has used on the Point in Question, and the real Service he may be thought to have done to that *slavish* Doctrine, may, in due time, raise a Merit in Favour of all its Consequences.

He

• He added, That as an undeniable Evidence of a *sincere Affection* to the Case of Necessity, the Case of the Revolution, He would put their Lordships in mind of the Passage quoted from Mr. Pym in his Declaration against Doctor *Manwaring*. That the Doctrine Preach'd in those Days, and for which he was Impeach'd by the Commons, was the attributing an *Absolute Power to the King* over the Property of the Subject, tho' with some *deceitful* Limitations, as that of extream and urgent Necessity. That Mr. Pym had shewn the Vanity and Fruitlessnes of that Limitation, it being left to the Prince to determine what is an urgent and pressing Necessity; and to represent the Danger of such a Case, of allowing any Exception upon any Pretence, even that of *extream Necessity*, he cited the Charter of *Lewis* the 10th of France to the Dutchy of *Normandy*, wherein that Prince having acknowledged the Franchises of the Dutchy, and granted to them, that for ever afterwards they should be free from all Exactions from him and his Successors, these Words followed, *unless great Necessity required*; which small Exception, Mr. Pym observed, had in Time devoured all their Immunities. That Mr. Pym, in that Speech, arguing against the Position advanc'd by Doctor *Manwaring*, condemns the least Pretence of any Exception: And the Gentleman, who quoted this Passage from him, having endeavoured to establish his General Doctrine of *Absolute Non-Resistance*, the Doctrine preach'd by Doctor *Sacheverell*, and having shewn the Danger of mentioning any Exception to it, even that of the Case of Necessity, and *such a Case*, he had before told their Lordships, the Revolution was, concluded from that Instance, that such Exceptions wou'd in Time devour all Allegiance. He urg'd that this had been the Method, these the Arguments us'd to acquit the Doctor, to shew the Innocence of his Intention, and that there was no Design either in his Sermon or his Defence, to condemn the Resistance, the necessary Means which brought about the late Happy Revolution; And from these Observations their Lordships might possibly discern the Consistency of the whole Defence. That he begged leave only to turn the Case, to suppose a Case of a real Design to condemn the late *Glorious Revolution*, and all the *Happy Consequences* of it, at a Time, when express Declarations of such a wicked and traiterous Intention may not be judged proper, at a Time, when some plausible Expressions of the Justice of it, may be thought Useful and Necessary, and, at such a Time, let the Illegality of Resistance on any Pretence whatsoever, be laid down and enforc'd in its utmost Extent; let the Danger of stating or mentioning any Exception to it, be strongly inculcated; let the Justice of the

Except  
Revolu  
expres  
to disc  
what h  
ing in  
have be  
coverin  
ing one  
what  
can fla  
are ma  
mine t  
Protest  
the san  
Atoner  
that he  
Tha  
cessary  
by the  
openly  
Defence  
Resistan  
the An  
our Ti  
have no  
of the  
way for  
cession:  
ciples  
where  
Whol  
Mour  
ted in  
and u  
these  
Heredi  
the ve  
Enemi  
Engag  
tistant  
openly  
Consec  
Lordsh  
way of  
nions e  
gage h



Exception, even of the Case of Necessity, *such a Case as the Revolution was*, be illustrated by an Instance, wherein 'tis expressly condemned; and might it not be said, 'Tis *easy to discern what Spirit such a Person is of, of what Party he is, what he aims at, and what he intends; that he has not been speaking in Defence of the late Revolution, can't be look'd upon to have been arguing for it, and to shew the Justice of it, but was covering the Treason of his Heart, and under Pretence of justifying one Revolution, was labouring to bring about another: But,* what vain Imaginations must possess those Minds, which can flatter themselves into a Belief, that, even whilst they are maintaining Principles, that tend most certainly to undermine the Foundation of Her Majesty's Government, and the Protestant Succession, the most Solemn Protestations out of the same Mouth, and in the same Breath, should pass for an Atonement with their Lordships, or give Satisfaction to any, that heard them.

That their Lordships would consider the evident and necessary Tendency of the Doctrines, which have been preach'd by the Prisoner, and have been again asserted, though not openly avow'd, in their full Extent and Consequence, in Defence of this Article. That the Doctrine of *Absolute Non-Resistance*, the condemning the *Original Contract*, renouncing the *Ancient Legal Constitution* of the Government, which is our Title to our Liberties, where Positions, which could have no better Tendency, than to shake the present Settlement of the Crown, and our present Establishment, and to make way for the Pretence of a Natural and Divine Right of Succession: 'Are not those (said he in the Conclusion) the Principles taught and avow'd by *Papists* and *Non-Jurors*, and whereon their Hopes are founded? And are they more Whole some, or less Dangerous, when they fall from the Mouth, or drop from the Pen of the Prisoner, or are asserted in his Defence, tho' *gilded over with specious Pretences*, and under the Umbrage of a true Son of the Church? If these Doctrines of Unlimited Non-Resistance, of a *sole Hereditary and Divine Right of Succession to the Crown*, are the very Doctrines, on the Belief of which, the professed Enemies of Her Majesty and Her Government, inviolably Engage themselves against Her Title, and against the Protestant Succession; If these are the Tenets, by which they openly condemn the late Glorious Revolution, and all its Consequences, from which Part of this Defence can your Lordships collect the Innocence of the Prisoner? By what way of Reasoning can it be concluded, that the same Opinions embrac'd by this Gentleman, do not inevitably engage him in the same Interest?

Sir

Sir Peter King's **S**IR Peter King, who spoke next, told their Lordships it was his Part to reply to the Answer that had been given by the Doctor, to the Charge of the Commons of Great Britain, with Relation to the Second Article. That when he was entrusted by the Commons to manage this Part of the Charge, He both quoted and read the Passages of the Sermon to make good that Charge; Nor did he desire that any thing should be taken upon Trust, or any thing receiv'd against him but what appear'd from his plain express Words, or by clear, necessary and unavoidable Consequence. That indeed, after the whole Sermon had been read by the Clerk, he thought it too great a trouble to their Lordships, to have the Clerk read over the particular Passages again at the Table, and therefore he read them himself, truly and fairly, as they were in his Sermon; and if I had done otherwise, the Doctor and his Council would have set him right. That he agreed with the Doctor and his Council that in a Case of this Nature, and he would say further, in all Cases whatsoever relating to Crimes, the Charge must be maintain'd by positive plain Words, or necessary and unavoidable Inference, such as no reasonable Man can withstand the Light of; and therefore, if there was nothing in this Case but dark Hints, strain'd Innuendo's and forc'd Constructions, he was sure, neither the Commons of Great Britain, nor himself would appear before their Lordships with an Attempt to make out a Charge of this Nature: That if it was not prov'd by plain, positive and express Words, or necessary and unavoidable Inference, he was sure their Lordships would never convict him; because it would not be just and right so to do. That it is a perverting of Common Justice to condemn a Person without plain and direct Proof; therefore what they represented to their Lordships was, that by plain and clear Passages in his Sermon, he was guilty of the Charge in the second Article, of maintaining, *That the Toleration granted by Law is Unreasonable, and the Allowance of it unwarrantable; and that He is a False Brother with Relation to God, Religion, or the Church, who Defends Toleration and Liberty of Conscience.*

That when the Doctor put in his Answer to this Article, he had not found out that there was a *Toleration* granted by Law to the Dissenters, but his Council had now found it out, and they did agree, that there is a *Toleration* granted by Law, and that it is that *Indulgence* which is contain'd in the Act, made in the time of the late King and Queen, but they insisted at the same time, that the Doctor in his Sermon had not condemn'd or censur'd that Toleration; That they

said

said he  
are two  
ration  
and the  
mitted

That  
mention  
submitt  
in the 2  
other p  
tion;

Caution  
Defamat  
common

and defo  
know hi  
him; s

had not  
sur'd an

the first  
upon him  
all those

alter, on  
our Chur

terodoxy  
almost nec  
and conse

much to  
former Pa

was a Ge  
the Church

the relati  
Doctrines

and Insta  
Divine Ap

sufficiently  
of an Im

That the  
tion, and

cle which  
they are

is to be p  
the Church  
Doctor sa  
that it w  
Orders;  
he would l

said he had condemn'd a Toleration, but insinuated there are two Tolerations mention'd in his Sermon, the one a Toleration granted by Law, which he allow'd and approv'd of; and the other a General Unlimited Toleration, which they admitted he did condemn.

That when he (Sir Peter King) made out this Charge, he mention'd this Caution of the Doctor's, but at the same time submitted it, whether such a General Expression as that in the 20th page of his Sermon was, could screen him from other plain Passages in which he had condemn'd the Toleration; That if in other Places he had condemn'd it; this Caution was but *Protestatio contra Factum*; For an oblique Defamation may be as Criminal as a direct one: That in the common Cases of Scandal, if one obliquely defame another, and describe him so that it is impossible but every one must know him, it is no Excuse that he did not positively accuse him; so that the Question would be, whether the Doctor had not in the other Passages cited against him plainly censur'd and condemn'd the Toleration granted by Law. That the first Passage cited out of his Sermon, to prove this Charge upon him was in the 10th Page; the Words are, *So that in all those Cases before-mention'd, whosoever presumes to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be arraign'd as a Traytor to our State; Heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring Rebellion and High Treason in the other, and consequently a Crime that concerns the Civil Magistrate as much to punish and restrain, as the Ecclesiastical.* That the former Part was relative to what went before, the latter part was a General Assertion, that *Heterodoxy in the Doctrines of the Church infers Rebellion and High Treason in the State.* That the relative part of this Clause has Relation to the several Doctrines mention'd before, among which, one of the Cases and Instances of False Brotherhood is, *the affirming that the Divine Apostolical Institution of Episcopacy is a novel Doctrine, not sufficiently warrant'd by Scripture; whoever affirms this, is guilty of an Innovation or Alteration of the Articles of our Church.* That the Dissenters of all sorts universally hold this Proposition, and they are exempted from subscribing the 36th Article which asserts Episcopacy: But, said the Doctor, tho' they are exempted, yet whosoever asserts this Proposition, is to be punish'd as a Traitor to the State as well as an Enemy to the Church. That the Learned Civilian of Council for the Doctor said that the reading the whole Passage would show that it was not intended for the Dissenters, but for one in Holy Orders; that if such an one should maintain this Doctrine, he would be an Apostate from his own Order; That this Allegation



tion was true, as it stands in p. 8. absolutely consider'd in its self, it is there applied to one in Holy Orders; but as it stands in relation to this Clause, in p. 10. it was a General Assertion, that *whoever innovates, or alters that Article of the Church, which the Dissenters do, ought to be arraign'd as a Traitor to the State.*

He urg'd, That another Answer that had been given hereto, was, that the Doctor there means those who are for Innovations and Alterations in Matters of Faith, which can't respect the Dissenters or their Toleration, because the Dissenters agree with the Church in Matters of Faith, and differ only in Matters of Discipline. But if they gave this Turn to it, it alters the Sense and meaning of the Doctor; for he is not speaking here of Matters of Faith, in Contradistinction to Matters of Discipline; but he is speaking in general of the Articles of Faith of our Church; *whoever presumes in any of the Cases beforementioned to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be arraign'd as a Traitor to the State.* Now (added Sir Peter King) what are the Articles of Faith of our Church? Are they not the thirty nine Articles? Are not they the Articles of the Faith and Religion of the Church? Doth not the thirty sixth Canon expressly require the Clergy to subscribe willingly, and *ex animo*, that all, and every the Articles of Religion, being in Number thirty nine, are agreeable to the Word of God? Now if the thirty nine Articles be the Articles of Faith of our Church, and the Dissenters disbelieve the thirty sixth Article, and if for that Innovation or Alteration they are to be arraign'd as Traitors to the State, what then is become of the Toleration, that exempts them from Penalties, and from subscribing the said thirty sixth Article?

That as to the General Proposition immediately following in the same Clause, *viz. Heterodoxy in the Doctrine of the one, naturally producing, and almost necessarily inferring Rebellion and High Treason in the other, and consequently a Crime that concerns the Civil Magistrate as much to punish and restrain, as the Ecclesiastical:* He did not remember that any Answer whatsoever was given to it by the Doctor or his Council: And he prayed their Lordships to cast their Eyes on this, and see here was an Affirmation, that *any different Opinion in any of the Articles of the Church is a Crime against the State.* Now all the Dissenters are exempted by the Act of Toleration from subscribing three Articles and an half, others from four and an half, and others from all; And when this Act grants them all these Exemptions, shall it be affirm'd that this *Heterodoxy* allow'd by that Act is *High-Treason and Rebellion*, and that they ought to be arraign'd

raign'd  
Judgme  
Tolera

That  
Charge

ges: v

tion, m

mity; t

not fail

pull'd d

how 'tis

firmatio

Church,

to pull

by one

was seri

be unrea

it is rath

it could

Church,

of Occasi

be collec

Evil tha

by Viol

by the

ful an I

undermi

That to

up, whic

every M

using all

therefore

Church,

Pulling

the Chur

tion, as

Church,

That

ted by t

him (Sir

but here

pose; bu

gence to

ly the Tol

Monsters

Noon-day

best settl

raign'd as Traitors ? He therefore submitted to every ones Judgment, whether any thing can be more plain against the Toleration than this.

That the next Passage cited out of his Sermon, to prove the Charge of the Second Article, was in the 16th and 17th Pages : viz. *What could not be gain'd by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity ; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can't be pull'd down, it may be blown up ; and no Matter with these Men how 'tis destroy'd, so that it is destroy'd.* That here was an Affirmation, that Toleration was doing open Violence to the Church, that the False Brethren had a Design by Toleration to pull down the Church. Now the Answer given to this by one of the Council was what one could scarce imagine he was serious in, viz. *That this doth not suggest the Toleration to be unreasonable, or the Allowance of it unwarrantable, but that it is rather a Commendation of the Toleration, because it shews that it could not do the Church any Hurt, it could not pull down the Church, and therefore they have found out a more pestilent Way, of Occasional Conformity and Moderation.* But that all that could be collected from hence, is, that Toleration is a less successful Evil than Moderation : Toleration was storming the Church by Violence, and an endeavouring to pull it down ; but tho', by the good Providence of God, it had not been so successful an Evil as Moderation, which is a secret Treachery to undermine the Church, and blow it up, yet it is an Evil : That to suppose the Church to be either Pull'd down, or Blown up, which way soever it be done, is so great an Evil, that every Member of the Church must be for preventing it, and using all his Endeavours to prevent both those Evils ; and therefore to represent Toleration to be such an Evil to the Church, as to be doing open Violence to the Church, and Pulling it down, was an undue Reflection on the Fathers of the Church, and on that Parliament that granted that Toleration, as if they concurr'd in Endeavours to Pull down the Church, and Destroy it.

That another Passage, in Page 14 of the Sermon, was cited by the Council of the other side, as a Passage cited by him (Sir Peter King) to make out the Charge against the Dr. but herein they mistook ; for it was not cited for that Purpose, but to shew that the Dr. understood the Act of Indulgence to be a Toleration ; and the Passage was this ; *Certainly the Toleration was never intended to indulge, and cherish such Monsters and Vipers in our Bosom, that scatter their Pestilence at Noon-day, and will rend, distract and confound the firmest and best settled Constitution in the World.* That he cited this Pas-

page to shew, that the Dr. himself, at the Time he Preach'd this Sermon, knew what was meant by the *Toleration*; and it plainly proved it, and the Dr. himself did not now disown it; but as to the Proposition it self contain'd in that part of his Sermon, Sir Peter King agreed with him that the *Toleration* was not intended, and he hoped would never be made use of, to support *Atheism*, *Deism*, *Tritheism*, or any such Monsters and Vipers, but only Dissenting Protestants.

That the next Passage he cited was in the 8th Page; If upon all Occasions to comply with the Dissenters both in publick and private Affairs, as Persons of tender Conscience, and Piety, to promote their Interests in Elections, to sneak to them for Places, and Preferment, to defend Toleration, and Liberty of Conscience, and under the Pretence of Moderation, to excuse their Separation, and lay the Fault upon the true Sons of the Church, for carrying Matters too high; if to court the Fanaticks in private, and to bear 'em with Patience, if not Approbation, rail at and blaspheme the Church, and upon Occasion to justify the King's Murder; if to flatter both dead and living in their Vices, and to tell the World, that if they had Wit, and Money enough, they need no Repentance, and that only Fools and Beggars can be damn'd; if these, I say, are the modish and fashionable Criteria of a true Church-man, God deliver us from all such False Brethren. So that here the Doctor made it one of the Characters of a False Brother to defend Toleration and Liberty of Conscience. That the Answer given to it was this, That where the Dr. blames those that defend Toleration, it is not those that defend that only and singly, and do no other thing, but they must at the same Time not only defend Toleration, but excuse the Separation, not by Reason of the Toleration, but by laying the Fault on the Sons of the Church for carrying Things too high: He did not blame them that barely justify Toleration, unless they fall too on the Sons of the Church for carrying things too high. That whether or no that Place was capable of such an Interpretation, their Lordships would be the best Judges, by looking on the Place, and considering whether any two of those Characters were to be united in any one Person to make him a False Brother. Whether these several Characters were not so many different Criteria of False Brotherhood; if he did defend Toleration and Liberty of Conscience; if he did excuse their Separation, and lay the Fault upon the true Sons of the Church for carrying Matters too high, &c. That they were all different Marks of False Brotherhood, so that whosoever defends Liberty of Conscience and the Toleration is a False Brother.

That it was also answer'd, That in the Act of Indulgence there are a great many Restrictions, and therefore this Passage

must

must be  
fied by  
read, in  
is not u  
fications.  
' But w  
' Answer  
' Tolerat  
' positio  
' or spec  
' should  
' Tolerat  
' is a Fa  
' nerally  
' that is  
' ships th  
That t  
ness of Ar  
Toleration  
Answer d  
out that  
that such  
that the pr  
ance of it  
in making  
whether h  
the mater  
the right  
relating to  
Toleration  
cipally app  
the Dr. w  
the same t  
ry of that  
cil in the  
true Point  
and instea  
on the To  
this Fact  
' Disgrace  
' the Gene  
' of the C  
indulge a  
the Head  
' Discipline  
tho' it be  
fidious P



must be understood of a Toleration of such as are not qualified by the Act to receive it; and for that end the Act was read, in which are several Restrictions, and the Toleration is not unlimited, but to Persons under such and such Qualifications, conforming themselves to the Rules there laid down, But what Foundation (said Sir Peter King) is there for this Answer in the Passage its self? Doth not he there condemn Toleration generally, doth not an Universal indefinite Proposition include all manner of Toleration, whether general or special? If he had meant it in this restrained Sense, he should then have express'd himself, that he that defends Toleration, except such Toleration as is allow'd by Law, is a False Brother; but not doing so, but expressing it generally, it is plain that he has condemn'd that Toleration that is granted by Law, and it is submitted to your Lordships that this is a plain Proof against him of this Article.

That the next Passage was that relating to the *Perfidiousness* of Archbishop Grindall, in deluding Queen Elizabeth to the Toleration of the *Genevian* Discipline; that the Dr. in his Answer did conceive he had good Authority from History to make out that Assertion, but whether he had or no, he did apprehend that such Assertion was no Proof of his maintaining or suggesting, that the present Legal Toleration was unreasonable, or the Allowance of it unwarrantable. To this Sir Peter King replied, that in making out the Charge, he did agree with the Dr. That whether he was, or was not mistaken in that Fact, was not the material Point in question; but that he had put it on the right Question, Whether that Assertion, true or false, relating to Archbishop Grindall, was a Condemnation of the Toleration now granted by Law; to that, Sir Peter King principally applied himself to shew that that Fact, as stated by the Dr. was a Censure of the Toleration; not forgetting at the same time to say something in Vindication of the Memory of that great Prelate. But that now, the Doctor's Council in their Defence, had, in a great measure, quitted the true Point that the Dr. rightly put it upon in his Answer, and instead of endeavouring to shew that this is no Reflection on the Toleration, had rather endeavoured to shew, That this Fact of the Archbishop is true; That the Reason of his Disgrace was for deluding the Queen to the Toleration of the *Genevian* Discipline, and for giving up the Discipline of the Church: That at that time there was no Law to indulge any Separation from the Church, and therefore for the Head of the Church, under the Queen, to give up the Discipline of the Church, was an High Crime in him; and tho' it be an harsh Term, yet it was true to call him a Perfidious Prelate, and False Son of the Church. That for this

End they did produce and read two Letters, the one from Queen *Elizabeth* to the Bishops throughout *England* for suppressing the Exercise called *Prophefying*, and the other of the Archbishop to the Council; and out of these two they said there is Proof out of the Archbishop's own Mouth, that the Reason why he was under a Suspension, was for deluding Her Majesty to permit a Toleration of the *Genevian* Discipline, and that he acknowledged the Justice of his Punishment for that Crime: And they farther aggravated it, that it would be an invidious Reflection on the Character of that Glorious Queen, that she should cause an Archbishop to be Suspended for Prosecuting *Julio* the *Italian* for having two Wives, or for not giving up the Palace of *Lambeth* to the Earl of *Leicester*; as if Sir *Peter King* had insinuated, or could have imagined, that the apparent visible Reason of the Disgrace of the Archbishop, were these things; that the apparent visible Cause of *Grindall's* Disgrace, was, no doubt, the encouraging of the Exercise called *Prophefying*, and Queen *Elizabeth* knew no other; but yet the real Spring, the secret History, and true Reason, was the Artifice of the Earl of *Leicester*, who had the greatest Power and Credit at that time with the Q. That the good Archbishop had, by his Prosecution of *Julio* the *Italian* Physician, and by his Refusal to alienate *Lambeth*, offended this great Earl, who thereupon meditated Revenge against him; and knowing the Archbishop to be a great Favourer and Promoter of the Exercises called *Prophefying*, which were far from being Conventicles, or parts of the *Genevian* Discipline, he misrepresented these to the Queen, and by those means incens'd her; but these Misrepresentations had not been, if the Archbishop had not first incens'd *Leicester* in the forementioned two Particulars; that to make this out to be the Fact, he desired their Lordships Patience whilst he refer'd to one or two Histories of good Credit: *Fuller*, in the ninth Book of his Ecclesiastical History, p. 130. after he hath recited a long Letter of *Grindall's* to the Queen about this matter, thus Concludes; *Alas! all in vain; Leicester had so fill'd Her Majesty's Ears with Complaints against him, there was no room to receive his Petition. Indeed Leicester cast a covetous Eye on Lambeth House, alledging as good Arguments for his obtaining thereof, as ever were urg'd by Ahab for Naboth's Vineyard; now Grindall, tho' generally condemn'd for Remissness in this kind (parting with more from his See, than ever his Successors thank'd him for) stoutly oppos'd the alienating of this his principal Palace, and made the Leicesterian Party to malice him. He urged, that this is as express an Account as can be, that this was one of the secret Springs of that Prosecution: And as for the other, That he carried on the Prosecution against*

*Julio,*

*Julio,*  
163; a  
other  
Disgra  
And i  
who w  
run do  
which  
was no  
the M  
ed; F  
Human  
trust.  
' Bu  
' Caul  
' whic  
' whic  
' fered  
' vian  
' was  
' the  
' Mist  
' or A  
' the  
' since  
' the e  
' pbesy  
' ry, c  
' most  
' niste  
' Mini  
' dle f  
' the F  
' the  
' man  
' first  
' call'  
' then  
' all E  
' and a  
' ragen  
' the  
' of th  
' appe  
' encou  
' Gene  
' him

*Julio*, that was taken notice of by the same Author in Page 163 ; and by *Camden* in his History of Queen *Elizabeth*, and other Authors ; so that the true secret Reason of *Grindall's* Disgrace, was not for Tolerating the *Genevian* Discipline ; And indeed it would be a Paradox, that the Earl of *Leicester*, who was the great Patron and Support of the *Puritans*, should run down this Archbishop for encouraging of *Puritanism* ; which shew'd plainly there was some other Reason : And it was no Reflection on Queen *Elizabeth*, that she was deceiv'd by the Misrepresentation of a Person on whom she entirely relied ; For Princes are not exempt from the common Frailties of Human Nature, and may be impos'd on by those whom they most trust.

But, (my Lords, added he) without considering the latent Causes of his Disgrace, let us consider the visible Cause, which was known only to Queen *Elizabeth* ; Do the Letters which they have produc'd prove, that the Archbishop suffered for deluding the Queen to the Toleration of the *Genevian* Discipline ? it appears thereby, that Queen *Elizabeth* was displeased at those Exercises called *Prophefying*s, which the Archbishop encouraged and favoured ; but it is a great Mistake to think that those *Prophefying*s were Conventicles or Assemblies of *Puritans* ; they were really Meetings of the Parochial Clergy of the Church of *ENGLAND*, which since have been called *Conferences*, to improve one another in the expounding of the Scriptures ; the manner of these *Prophefying*s was this, the Ministers within each Archdeaconry, or some other Precinct, met on some Week-day in the most noted place in that Precinct ; some ancient grave Minister, appointed by the Bishop did preside ; then every Minister successively, the youngest still beginning, did handle some Text of Scripture, shewing the Sense of the Place, the Propriety of the Words, the Diversity of Interpretation, the Virtues Injoined, and the Vices Prohibited ; no Layman was ever suffered to speak, nor any Clergyman, unless first Licensed by the Bishop ; This was that which they call'd *Prophefying*, and continued about two Hours, and then the Conclusion was with a Prayer for the Queen and all Estates, as is appointed by the Book of Common-Prayer, and a Psalm. Now can any one think this was an Encouragement of the *Genevian* Discipline ? Can this be called the Holding of *Conventicles*, or Receding from the Discipline of the Church ? Nothing like it ; though, if it were, it appears by the Letters that he did not delude the Queen to encourage the *Genevian* Discipline. No ; if this was the *Genevian* Discipline, the Queen would not be deluded by him ; and because he would not obey the Queen in sup-



pressing these Prophecies, this was the apparent Cause of his Disgrace.

That as to the Letter, because it is said the Archbishop owns his Crime; how does he do it? I can't deny, says he, *but that I have been Commanded, both by the Queen's Majesty her self, and also by divers of your Honourable Lordships in her Name, to suppress all those Exercises within my Province that are commonly called Prophecies.* That he did not deny the Queen had given him that Command, or that he did not comply with it: *But, saith he, I do protest before God, the Judge of all Hearts, that I did not of any Stubbornness or Wilfulness refuse to accomplish the same, but only upon Conscience:* And goes on and shews the Reasons on which that Conscience was founded. That he denied it not out of Stubbornness or Disobediencce, but out of a Perswasion of Conscience, because he found it profitable and useful to the Church. But how did he behave himself under this? And whereas, says he, *I have sustained the Restraint of my Liberty, and Sequestration of my Jurisdiction, now by the Space of six Months, I am so far from repining thereat, or thinking my self injuriously or hardly dealt withal therein at Her Majesty's Hands, that I do thankfully embrace, and frankly, with all Humility, acknowledge her Princely, Gracious, and rare Clemency towards me, who having Authority and Power to have used greater and sharper Severity against me, and for good Policy and Example thinking it so expedient, hath, notwithstanding, dealt so mercifully, mildly and gently with me.*

What Language more becoming a Grave Prelate could be used? He patiently submitted to Her Majesty's Authority, neither Murmuring nor Obdurate; but there being a Superior Obligation of Conscience, which it was not in the Power of any Man to dispense with, he thought himself obliged, as a true Example to all Clergymen and others, to submit to the Dictates of his Conscience, but still with Patience, Calmness and Obedience.

Is there, continued he, any thing in this that looks like giving up the Interests of the Church? Not only this good Archbishop, but several others of the best Bishops of those Times, had those Exercises in their Dioceses, and concurr'd with him in the Encouragement of them. And can it be thought that those Bishops, who were Exiles in Queen Mary's Time, and were afterwards the Happy and Glorious Instruments under God in settling the Liturgy and the Articles of the Church, were for giving up the Establishment of the Church, by introducing that which is now insinuated to be the Genevian Discipline? But those Bishops then thought it was a likely way to make an honest, learned, and laborious Clergy. Is there any thing in this

to o  
Man  
End  
part  
Tha  
spoke  
Time  
Laud  
ran do  
the pr  
the last  
made b  
That  
the Me  
that he  
Reform  
main P  
of Arc  
perfidio  
Wheth  
solutio  
Pruden  
by the  
dennat  
Counci  
Time S  
few, an  
Wholeso  
and pre  
at the t  
ters wer  
was reaf  
sturbanc  
might ha  
Schism  
they in  
can't be  
Fact to  
sonabler  
Strengt  
strong a  
mitted  
alledg'd  
and the  
gain; r  
Occasion  
Conscien  
Religion

to occasion the calling him a *perfidious Prelate*? A *perfidious* Man is he that violates his Conscience to obtain a Temporal End; but he chose to lose the Queen's Favour, rather than part with a Good Conscience.

That he never found that Archbishop *Grindall* was ever spoke hardly of by any *English* Divine of Credit, 'till the Time of Archbishop *Laud*; and then, to Extol Archbishop *Laud* for an active, zealous Prelate, it became the Fashion to run down his Predecessor, *Abbot*, as a remiss Man, to Court the present Archbishop by detracting from the Memory of the last; and to carry on the Compliment, a Parallel was made between Archbishop *Grindall* and his Successor *Whitgift*. That he only mention'd this, to shew that for a long time the Memory of that good Archbishop was had in Esteem, and that he was always look'd upon as a principal Father of the Reformation of the Church, before this Time. But that the main Point was, Whether or no the Doctor's Representation of Archbishop *Grindall*, as a *False Son of the Church*, and a *perfidious Prelate* for doing what he laid to his Charge; and, Whether his Commendation of Queen *Elizabeth*, for the Resolution she took to Suppress the Dissenters, and for her Prudence in exercising Wholefome Severities on them, whereby the Crown sat easie on her Head, be a Censure or Condemnation of the present Toleration. That as to this, the Council for the Doctor first said, That in Queen *Elizabeth*'s Time Schism was in its Infancy, the Number of Dissenters were but few, and therefore the exercising of Severities at that time was Wholefome, because it might have crush'd them in their Beginning, and prevented the growing Encroachments of those Persons; but at the time when the Act of Toleration was made, the Dissenters were Increased, and were Possessors of great Property; and it was reasonable to grant them a Toleration, for it might be a Disturbance to the State to exercise those Severities upon them, which might have been safely done in the Time of Queen *Elizabeth*, when Schism was in its Infancy, and their Numbers few: And thence they inferr'd, that what was spoke of the Toleration then, can't be applied to the Toleration now. That supposing the Fact to be true, then it follows that the Justice and Reasonableness of the present Toleration depends only on the Strength and Number of the Dissenters: When they are strong and numerous, then they are to be tolerated and permitted; but when their Numbers decrease, and it shall be alledg'd that they are but few, then they are to be crush'd, and the Wholefome Severities are to be renewed upon them again; notwithstanding the Preamble of the Bill to prevent Occasional Conformity, which says, *That Persecution for Conscience only, is directly contrary to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of England,*

land, and that the *Act of Toleration* ought to be inviolably preserved. Urging, that if it ought to be inviolably preserved, then, whether the Dissenters in *England* be more or less, they ought to be Tolerated. That this brought to his Mind the memorable Edict that was Publish'd by the *French King* for reversing the Edict of *Nantz*, in *October 1685*. the Preamble of which Edict recites, ' That by reason of the great Troubles and Wars occasion'd by those of the Reformed Religion, his Grandfather *Hemy the Fourth* had given them Liberty by the Edict of *Nantz*, retaining notwithstanding a Design of bringing all back again to the *Romish Church*; and his Father and himself had had all along the same Design, and that in his Time the best and greatest part of the Protestants were Converted to the Catholick Faith, and that by reason thereof the Execution of that Edict was become of no use; and therefore, entirely to wipe out the Memory of those Troubles and Confusions which the Protestants had occasion'd, he thereby Revok'd that Edict. Adding, May it not be said in this Case, that in *Queen Elizabeth's* Time, because the Number of Dissenters were few, therefore those Severities were good; and that when the Toleration Act was made, there were greater Numbers, and therefore those Severities were then fit to be taken away; but now the Dissenters are but few again, therefore it may be fit to return to those Severities again.

That another Answer that had been given was, ' That in *Queen Elizabeth's* Time there was no Toleration establish'd by Law, and all the Doctor aim'd at was to excite the Magistrates to put the Laws in Execution against such Offenders as are not Exempted by the Toleration Act. But he submitted to their Lordships whether the Words are capable of that Interpretation. That here is a Commendation of the Piety and Zeal of *Queen Elizabeth*, who resolv'd entirely to suppress the Dissenters, and she in her Prudence put those wholesome Severities in Execution. What those wholesome Severities were their Lordships had been told; they were *Hanging, Burning, Abjuration, Confiscation, Imprisonment, Loss of Estate, Liberty and Life*. That he said no more of them, but he believed there was not one Person there, but if these Severities were to be inflicted on him, would be far from thinking them wholesome, and desire to be excus'd from them. That he would not be thought in any thing to reflect on the Memory of that Glorious Queen, who was so eminent an Instrument of God, to deliver this Kingdom from Popery, and from the Power of *Spain*, and to settle the Protestant Religion among us; but it must be confess'd, there were these Blemishes in her Reign, permitted by God's Providence

for

for W  
tirude  
Majest  
Queen  
those S  
Kingd  
preserv  
been th  
time th  
and pr  
Means  
of all  
to reta  
versally

That  
it is the  
Anather  
tion, a  
such Sen  
ding or  
of God  
and tha  
the great  
greater  
that th  
thema's  
municat  
up only  
in Heav  
That he  
a Propo  
to that  
the Pow  
double I  
loosing  
ting, b  
the Sup  
son out  
but yet  
forms an  
gain, th  
and don  
this was  
Question  
rior Past  
against  
he thoug



for Wise Ends and Purposes ; and this should raise our Gratitude to Almighty God, and our Thanks to Her present Majesty, whose Reign hath exceeded Her Predecessor's, Queen *Elizabeth*, without being checquer'd with any of those Spots or Stains ; and as Queen *Elizabeth* preserv'd this Kingdom from the Monarchy of *Spain*, so Her Majesty had preserv'd us from the united Power of *France* and *Spain*, been the Terror of Her Enemies abroad, whilst at the same time she has, with Universal Clemency and Justice cherish'd, and protected all Her Subjects at Home ; and as by these Means she had engag'd in the strongest Affection the Hearts of all Her People, so no doubt they would always continue to retain the strictest Duty to a Queen, who had been so universally good to all Her Subjects.

That the last part of the Charge was, that *the Doctor asserts it is the Duty of Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons entituled to the Benefit of the Toleration, and insolently dares or defies any Power on Earth to reverse such Sentences.* That one of the Council said, *that the thundering out those Anathema's is no more than declaring the Judgments of God denounc'd in Scripture against the Wickedness of Men ; and that he defies the Superior Pastors to denounce them, because the greater the Authority of the Person denouncing them is, the greater Influence they will have on the Minds of the People.* But that the *Anathema's* he excites them to, are Ecclesiastical Anathema's, which are plainly *Ecclesiastical Censures* and Excommunications. That it was said, That this Expression is ty'd up only to those Anathema's and Sentences that are ratify'd in Heaven, which they said no Power on Earth can reverse. That he should not enter into that Question, whether this is a Proposition strictly just in Divinity: All he should say as to that was this, that all who have wrote the highest of the *Power of the Keys*, allow and maintain that there is a double Power, a Power of remitting as well as retaining, of loosing as well as of binding, of opening as well as of shutting, both exercis'd by the Church on Earth. That if the Superior Pastor has for good Cause bound or shut any Person out of the Church, that Sentence is ratify'd in Heaven ; but yet notwithstanding, if that Person, so censur'd, reforms and amends, and the Church on Earth restore him again, the first Sentence, tho' ratify'd in Heaven, is vacated and done away by the Church's Power on Earth. But that this was not the Matter now before your Lordships; the Question being, whether Doctor *Sacheverell* excited the Superior Pastors of the Church to thunder out their Anathema's against Persons that are entituled to the Toleration ; and he thought that he did so was own'd by his Council ; for they

they said, that Schism doth expose a Man to the Censures of the Church, that the Dissenters were Schismatics before the Act of Toleration, and that that Act don't excuse the Schism, and therefore remain Schismatics still, they are still liable to the Censures of the Church. That he did agree with the Doctor, that the Act of Toleration hath made no Alteration as to the Sin of Schism; if the Dissenters were Schismatics before the Toleration, they are Schismatics still; and taking that for granted, then here is the Force of the Doctor's Argument; The Dissenters were Schismatics before the Act of Toleration; as they were Schismatics before, so they are Schismatics still; it is the Duty of all Superior Pastors to thunder out their Anathema's against Schismatics, when they thunder out those Anathema's, they are ratify'd in Heaven; whatever is ratify'd in Heaven no Power on Earth can reverse; therefore, tho' the Dissenters be exempted from Humane Penalties by the Toleration Act, and are thereby preserv'd in the Free Exercise of their Religion and Consciences; yet notwithstanding that, *Let the Superior Pastors do their Duty, and thunder out their Anathema's against them, and let any Power on Earth reverse those Anathema's if they can.* Now, said Sir Peter King in the Conclusion, can there be a more plain, positive and direct Proof of this part of the Article, than this is? Can any thing be a clearer Evidence to prove this last part of the Charge against him, That he *Suggests and Maintains that it is the Duty of Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons entituled to the Benefit of the Toleration Act, and that he insolently Dares or Desies any Power on Earth to Reverse such Sentences?*

My Lords, This is what I have to offer by way of Reply; there is a Gentleman to come after me, who will amply supply what I have omitted, and therefore I shall not trouble your Lordships any further. After this Speech, which was received with great Applause, the Lords adjourned to their House above.

The  
th  
do  
Co  
th  
th  
na  
R  
M

H  
before  
Concl  
Lord's  
reason  
bitter  
Person  
took  
Animo  
out t  
Occasi  
were-f  
sedition  
to fed  
tinuan  
several  
sons,  
Mistof  
verell  
led do  
the Ki  
be thou  
with  
have a  
indulge  
sion to  
withst  
That s

*The next Day being the 10th of March, and the Tenth of the Tryal, their Lordships came down again into Westminster-Hall, and the Commons, and their Managers, having taken their Places, and Her Majesty being present, the Lord-Chancellor told the Gentlemen-Managers, that they might proceed in their Reply.*

*March 10. Mr. Cowper's Speech, and Reply to the Doctor's Defence to the Second Article.*

**H**ereupon Mr. Cowper said, That when by Command of the Commons, he spoke to their Lordships a few Days before in Maintenance of the Second Article, towards the Conclusion of what he then said, he presented to their Lordships a short View of what he apprehended they might reasonably expect would be the Consequence of the Doctor's bitter Invectives against the Act of Toleration, and the Persons intended to be protected by it. That he likewise took Notice of those Heats and Disputes, of the Feuds and Animosities, which were then apparently stirred up throughout the Kingdom. That he was sorry to have so early an Occasion to say, that his Apprehensions in this Particular were so well grounded: Their Lordships had seen, that this *sedition Libel*, under the *specious Title of a Sermon*, calculated to seduce and delude the Rabble, had, even during the Continuance of the Tryal, produced an *actual Rebellion*; in which several Places of religious Worship (appointed for those Persons, who are by Law tolerated and allowed, but have the Misfortune nevertheless to be represented by Doctor Sacheverell as necessary to be destroyed) had been accordingly pulled down and burnt, in Defiance of the Supreme Power of the Kingdom; and this, at the *Instigation of one who would be thought an Advocate for Passive Obedience*. That he could wish the Prisoner's indiscreet Behaviour (which seem'd to have abused the Liberty with which their Lordships had indulged him) might not unhappily have given some Occasion to the Outrage and Violence of late committed, notwithstanding the Apology he had made in this Particular. That sure he was, that Discord which flamed in the Kingdom



dom was unheard of among us, until the Toleration was thus publicly and seditiously branded, until Doctor *Sacheverell* had presumed to represent it to the People, it was impossible to say how! without referring to his whole Libel.

That his Council had observed, that the second Article contains several Charges, and had insisted that the Passages given in Evidence by the Commons, were not sufficient to maintain the first and second; and as to the third and fourth, they seem'd rather to justify than deny those Branches of the Charge. That the Commons apprehended, notwithstanding what had been said, First, That Doctor *Sacheverell* had plainly suggested and maintain'd, *That the Toleration granted to Dissenters is unreasonable, and the Allowance of it unwarrantable.* That they insisted he had done this, not in ambiguous or doubtful Words, nor in uncertain Expressions, but in direct and positive Assertions. That the Council admitted, That to speak against a Law in being cannot be justified: Now the Act of Toleration is not only a Law in being, but is a Law which has visibly attained the End for which it was made; that is to say, *by giving Ease to scrupulous Consciences in the Exercise of Religion, it has proved an effectual Means to unite Her Majesty's Protestant Subjects in Interest and Affection.* Yet, this Law, which by the Experience of more than Twenty Years, had been found so useful and necessary, had been traduced and arraigned by the Prisoner, both from the Pulpit, and the Press, with a *malicious and seditious Purpose*, to destroy the Publick Peace and Security of the Kingdom.

That this Offence was of too high a Nature to be justified by the Prisoner and his Council, and therefore it was thought more expedient to deny it, by saying, that Doctor *Sacheverell* affirm'd nothing touching *Legal Indulgence* or Toleration, but all that he had said respects only *Universal Toleration*. That he (Mr. *Cowper*) thought, he had obviated this Excuse, by observing that this Notion of *Universal Toleration* had been conceived and brought forth since the Impeachment. That however he was willing to enter into the Question, whether the Toleration mentioned in the Libel, was intended or could be understood of *Universal Toleration*.

Vide Sermon. Fol. 34. That their Lordships would find these Words: *Nay, now they have advanced themselves, from the religious Liberty our Gracious Sovereign has indulged them, to claim a Civil Right, as they term it, and to jostle the Church out of her Establishment, by hoisting their Toleration into its Place.*

‘ M  
‘ Senfe  
‘ lera  
‘ fined  
‘ with  
‘ Subj  
‘ gued  
‘ ratio  
‘ Trite  
‘ Place  
‘ ties  
‘ flood  
‘ Is no  
‘ on,  
‘ ous  
‘ ters  
‘ Civil  
‘ stabli  
‘ Folic  
‘ Power  
‘ Pray  
‘ Perfo  
‘ tion  
‘ for P  
‘ Estab  
‘ That  
‘ could  
‘ the Le  
‘ ing the  
‘ vinc’d  
‘ Tolerat  
‘ Thing  
‘ Express  
‘ they w  
‘ inferr’d  
‘ ctions.  
‘ verell’s  
‘ fons in  
‘ Innuen  
‘ their M  
‘ rememb  
‘ tained  
‘ Speech  
‘ fenters  
‘ said the  
‘ bare Ex  
‘ the sam

My Lords, added he, Will any Man deviate so far from Sense, as to say, that the Doctor here meant Universal Toleration, in the Sense the Doctor and his Council have defined it? Is Universal Toleration a Religious Liberty, with which our Gracious Sovereign hath indulged her Subjects? Nay, my Lords, have not every one of them argued, and that rightly, that the Doctor's Universal Toleration is not tolerated by Law? That Atheists, Deists, Tritheists, Socinianists, and those who go to no Religious Place of Worship, are not exempted from the former Penalties? How then is it possible the Doctor should be understood, as speaking of Universal Toleration in this Passage? Is not this directly and positively affirmed of the Toleration, with which the Dissenters are indulged by our Gracious Sovereign? Can your Lordships conceive, the Dissenters are not the Persons intended, when he says *they claim a Civil Right, as they term it, to juggle the Church out of her Establishment, by hoisting their Toleration into its Place?* Again, Folio 25. *They thrive upon Concessions, take Permission for Power, and advance Toleration into an Establishment.* — Pray, my Lords, what Concessions have been made to Persons not within the Benefit of the Act of Toleration? What Permission is it they can be said to take for Power? What Toleration have they to advance into an Establishment?

That, Folio 14, and in many other Places, their Lordships could not but see that all the Doctor's Spleen was levell'd at the Legal Indulgence or Toleration, so that it was mispending their Time, to prove, what it is impossible not to be convinc'd of, upon reading every Passage in the Libel, where Toleration is but so much as mentioned. That the next Thing they urged in the Doctor's Defence was, That if his Expressions did relate to the Legal Indulgence or Toleration, they were so dubious and uncertain, that nothing could be inferr'd from them, without Innuendo's and forc'd Constructions. That now the Question was, Whether Doctor Sacheverell's Expressions relating to the Toleration, and the Persons indulged, were dubious and uncertain? Whether any Innuendo or forc'd Construction was necessary to demonstrate their Malignity? That their Lordships would be pleas'd to remember, that the Council, from the first to the last, maintained very strenuously (as did the Doctor likewise in his Speech) that altho' the Act of Toleration exempts the Dissenters from Penalties, yet they remain Schismaticks; for, said they, Dissention was Schism before the Statute, and a bare Exemption from a Penalty has not alter'd the Case, but the same remains Schism still; and this Position, was agreeable

able to the Doctor's Opinion as deliver'd in his Sermon, with this Addition only, that all Schism and Separation is a damnable Sin, without making any Allowance for Ignorance, or Prejudice of Education. That his Words are these, Folio 8, *Is this the Spirit and Doctrine of our Holy Mother? To assert Separation from her Communion to be no Schism, or if it is, that Schism is no damnable Sin.* That when he observed in this and other Passages what Spirit this Man was of, he wonder'd not to find, that the most Christian Virtues of Charity and Moderation were mention'd by him with Slight and Contempt. That Folio 25, their Lordships would find him citing a Passage from St. Paul's Epistle to the Galatians, chap. 2. after which he adds these Words: *If our Dissenters, says he, had lived in those Times, they would have branded him (i. e. St. Paul) for an intemperate, hot, furious Zealot, that wanted to be sweetned by the gentle Spirit of Charity and Moderation forsooth!* My Lords, said Mr. Cowper, If our Dissenters had lived in those Days, they would have been highly to blame, if they had branded the Apostle with those opprobrious Names; whoever peruses that Chapter, will find there is not the least Occasion for it. But Doctor Sacheverell would willingly have St. Paul thought like himself.

He added, He could not take upon him to say what the Dissenters would have said, had they lived in St. Paul's Days: But for his own part, he could not forbear saying now, That since it appear'd to be the Doctor's Opinion that all Separatists are Schismatics, and that all Schismatics are damned, he could not but think that Doctor Sacheverell wants to be sweetned by that ridiculed Spirit of Charity and Moderation. That he was amazed to hear this Gentleman in his Speech affirm, that he had not betrayed any want of Christian Moderation in his Sermon: That he wish'd he had not been unmindful even of Christianity it self, when it was so apparent that in this short Sentence, and in the Passage (Folio 24.) he had sentenced to Eternal Damnation, not only the Dissenters of whatsoever Denomination, but those also who defend the Toleration. That it was to be hoped, some Things which he had vowed and said for himself in his Defence, may have more of Truth in them than this has. But that to return; the Doctor and his Council were agreed that all Dissenters were Schismatics; consequently when he spoke of Schism and Schismatics he must mean the Dissenters; and then he desired the Lords, to judge if the Doctor's Expressions touching the Toleration, and the Dissenters, could be said to be dubious; On the contrary, whether they were not plain, positive and certain? That before he enter'd into this Matter,

He

he could  
sage (   
must be  
could  
chery  
blown  
is destr  
tion is  
ty secre  
tion ha  
designe  
Conform  
these  
how it  
here i  
mists.  
Is th  
here an  
do? M  
ditions.  
That  
stor, or  
the lea  
was pro  
at least  
Author  
this Sil  
That  
that it  
with it  
was inte  
had not  
to so hig  
mons mi  
But, fro  
given to  
That  
fumes to  
our Chur  
odoxy in  
most nece  
and conse  
strate to  
on, and  
frown Pdr  
him som  
was so.



He could not but take Notice again of that remarkable Passage (Fol. 16 and 17.) *What could not be gained by Toleration; must be brought about by Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish.* If the Church can't be pull'd down, it may be blown up; and no matter with these Men how it is destroyed, so it is destroyed. That here is a direct Assertion that the Toleration is downright open Violence, and Occasional Conformity secret Treachery; An Assertion, that altho' the Toleration has not been able to answer the End for which it was designed, (i. e.) to pull down the Church, yet *Occasional Conformity* may blow it up? For what Construction can these Words admit of, viz. *No Matter with these Men how it is destroyed, so it is destroyed?* What Men are here intended? Even *Dissenters* and *Occasional Conformists*.

Is this Passage, said he, doubtful and ambiguous? Is here any Occasion for a forc'd Construction, or an Innuendo? My Lords, 'tis most scandalously plain, and as plainly *seditionous*.

That their Lordships had observed, that neither the Doctor, or any of his Council, (one only excepted) had taken the least Notice; in their Answer, of this Passage; which was produced and given in Evidence against him, and twice at least mentioned by the Managers. That he wonder'd the Author wou'd not vouchsafe to explain it. Is not, added he, this Silence a Confession of his Guilt?

That the Council that did mention it, was pleased to say, that it rather commended the Toleration, than found Fault with it; as if it was some Credit to the Toleration, which was intended to pull down and destroy the Church, that it had not done it. In what Humour that Answer was made, to so high and Criminal a Charge, he knew not: The Commons might reasonably have expected a more serious Answer; But, from hence they concluded that no Answer could be given to it.

That again (Folio 10) the Doctor affirms, *That whoever presumes to alter or innovate any Point in the Articles of the Faith of our Church, ought to be arraign'd as a Traitor to the State; Heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring Rebellion and High-Treason in the other, and consequently a Crime that concerns as much the Civil Magistrate to punish and restrain, as the Ecclesiastical.* Then he goes on, and adds, *This Assertion at first View may look like an high-born Paradox.* — He own'd, at first View it look'd to him something like it, and I was not yet convinc'd but it was so. For, said he, are not the Dissenters *Heterodox* in Opinion?

*Opinion?* consequently they are Rebels and Traitors, according to Doctor Sacheverell, and ought to be punished by the Civil Magistrate as such: That is, to say, they are to be *hang'd as Rebels, and damn'd as Dissenters.* Still, my Lords, we have the Doctor's Word for it, *he has not betray'd the least Want of Christian Charity or Moderation.*

That many are the Paragraphs in this Libel equally obnoxious, and which like these, are too plain to admit of any Answer. That he should not lose Time as to the second Head or Charge in this Article. That Folio 8, They would find it asserted, as plain as Words can speak, that to defend Toleration is the Mark or Characteristick of a False Brother; and (Fol. 24.) they would find his Portion assigned him, with all the rest of the False Brethren, *with Hypocrites and Unbelievers, with all Lyars, in the Lake which burns with Fire and Brimstone, with the Grand-Father of Falshood, the Devil and his Angels.*

That the Charge which relates to Archbishop Grindall is, *That Doctor Sacheverell asserts, Queen Elizabeth was deluded by him to the Toleration of the Genevian Discipline; and that, to shew his Resentment against the Archbishop for favouring Toleration, he calls him a false Son of the Church, and a perfidious Prelate.* That the Doctor, throughout his Sermon, is arguing with a furious and intemperate Zeal against the present Toleration; representing it as a Law that gives Encouragement and Protection to *Schismatical Impostors, Enthusiasts, Hypocrites, to a Mungrel Union of Sects, to Fanaticks, Rebels, Traitors, Atheists, Deists, Tritheists, Socinianists, to the Principles of Fanaticism, Regicide, and Anarchy, to Monsters and Vipers, that scatter their Pestilence at Noon-day, to Jews, Quakers, and Mahometans, in a Word, to all false Brethren;* and after a great deal more of this unpresidential Language, he breaks out (Folio 19) *These Charges are so flagrant and undeniable, that a Man must be very weak, or something worse, that thinks or pretends the Dissenters are to be gained, or won over, by any other Grants or Indulgence, than giving up our whole Constitution. Have they not, says he, ever since their unhappy Plantation in this Kingdom, by the Intercession of that false Son of the Church, Bishop Grindall, always improved, and rise upon their Demands in the Permission of the Government. That he would fain know whether Doctor Sacheverell, by these Words, A Man must be weak, or worse, that thinks the Dissenters are to be won by any other Indulgence than giving up our whole Constitution, could mean any other than the present Dissenters, and that Indulgence which is at present afforded them? That in the very Line following he calls them Clamorous, Insatiable, and Church devouring Malignants;* and then proceeds in the Words before mention-

ed:

ed:  
happy  
Son  
their  
Priso  
bareh  
lizab  
mand  
by A  
ly wh  
on —  
deluda  
vian  
ster, t  
chy, a  
tion, a  
press'd  
Comm  
to the  
Church  
ed Rel  
unjusti  
them a  
might  
either  
Blame;  
the Bi  
That th  
had giv  
mons ha  
shop Gr  
Expresst  
that thi  
mons, to  
and enc  
well as t  
produced  
to suppre  
endo's a  
main Hea  
asserts and  
Allowance  
That b  
forbear fa  
leration i  
late Notic  
jelly, whi

ed: *Have they not, (i. e.) the Dissenters, ever since their unhappy Plantation in this Kingdom, by the Intercession of that false Son of the Church, Archbishop Grindall, improved and risen upon their Demands in the Permission of the Government. That the Prisoner's Defence had explained this Passage; they were barely permitted or suffered, he says, for a Time by Queen Elizabeth, but they have improved and risen upon, their Demands, 'till in this Age they have obtained an Indulgence by Act of Parliament, and this Act of Parliament is manifestly what the Doctor has taken Offence at. That then he goes on — Inasmuch, says he, that Queen Elizabeth, who was deluded by that perfidious Prelate, to the Toleration of the Genevian Discipline, found it such an headstrong, encroaching Monster, that in eight Years she found it would endanger the Monarchy, as well as the Hierarchy: And, like a Queen of true Resolution, and pious Zeal for both, pronounced them Factions, and suppress'd them by wholesome Severities. That he thought the Commons should have been wanting in that Duty they owed to the Memory of that great Prelate, and Father of the Church, who was so considerable in establishing the Reformed Religion, had they not taken Notice of these harsh and unjustifiable Expressions. That Doctor Sacheverell speaks of them as carrying an undue Asperity, but such as he hoped might be forgiven, since it was necessary, he pretends, that either Queen Elizabeth, or that Archbishop must bear the Blame; and he rather thought it reasonable to charge it on the Bishop, than to suffer it to lye at the Queen's Door. That their Lordships would observe, that all the Answer he had given to this Part of the Charge, was as if the Commons had impeached him, for being too free with Archbishop Grindall, for using as he call'd it, an undue Asperity of Expression towards him. But their Lordships would discern that this Passage is made use of in the Charge of the Commons, to shew that the Dissenters are represented as head-strong and encroaching Monsters, dangerous to the Monarchy, as well as the Hierarchy; and the Example of Queen Elizabeth produced, to shew how necessary it is by wholesome Severities to suppress them; And that no strain'd Constructions or Immoderate's are necessary to apply this Evidence to the first and main Head of the Charge, which is, That Doctor Sacheverell asserts and maintains, that the Toleration is unreasonable, and the Allowance of it unwarrantable.*

That before he took his Leave of this Head, he could not forbear saying upon this Occasion, that he was sure the Toleration is not so dangerous to the Monarchy, as is this late Notion of an Hierarchy to the Supremacy of the Queen's Majesty, which however he hoped should be continued and pre-



served in the Crown of England, for the Peace and Safety of the Church as by Law established, to all Posterity.

That to the next and last Part, which relates to the Thundering out Ecclesiastical *Anathema's*, the Defence was that those *Anathema's* are not intended against the Persons intitled to the Toleration: To which he answer'd, the Doctor was particularly speaking, in this Part of the Libel, of the Schismatics and Dissenters, and expressly named them in these Words (Fol. 25.) *And yet if our Dissenters had lived in those Times, they would have branded him as an intemperate, hot and furious Zealot.* — Schism and Faction are Things of impudent and encroaching Natures, they thrive upon Concessions, take Permission for Power, and advance a Toleration immediately into an Establishment. — Are not, added Mr. Cowper, the Dissenters here expressly named? Are we not to understand the Words *Schism and Faction*, as coupled with the Toleration, to be meant of the Dissenters, and of them only? Sure this is too plain to admit of any doubt. Then, my Lords, he proceeds; *And are therefore to be treated like growing Mischief, or infectious Plagues, kept at a distance, lest their deadly Contagion spread. Let us therefore have no Fellowship with these Works of Darknest, but rather reprove them: Let our Superior Pastors do their Duty, in Thundering out their Ecclesiastical Anathema's, and let any Power on Earth dare reverse a Sentence ratified in Heaven.* My Lords, Is here one Word of Heresies, Blasphemies, and the rest of those enormous Offences, to which the Doctor would have these *Anathema's* relate? No, there is nothing to be found here but Dissenters, Schism, and Toleration. If these *Anathema's* are to be understood (as certainly they are) to extend to Persons intitled to Toleration; then, my Lords, that Air of Insolence that concludes the Period is explained. *Let our Superior Pastors do their Duty*, that is to say, let them exert themselves, and Thunder out their *Anathema's*, and let any Power on Earth dare reverse them. These Words, my Lords, seem too big and mighty, to mean any little or subordinate Power. Thus have we supported, and made good, the several Charges contained in the second Article.

My Lords, said he in the Conclusion, as the Commons are fully sensible how necessary it is to support the Honour and Justice of the Revolution, to which we owe no less than the inestimable Blessing of Her present Majesty, the Guardian Angel of this Church and State, the future Expectation of a Protestant Succession; the Religion, Laws, Rights, and Liberties of the British Nation; so are they thoroughly convinced that the Peace and Welfare, the

Secu-

Se  
lu  
Ab  
lec  
ve

Mr.

ships  
the  
ing  
dence  
Lord  
that  
in th  
enter  
ships,  
voura  
mon,  
this  
their  
tion.

sult a  
tion v  
guilty  
terpre  
Head,  
since  
Defen  
own  
lour o  
That  
their  
say th  
whate  
need  
due to  
them  
and th  
and th  
ships  
That  
he sho  
their  
the lat  
gests  
Con

\* Security and Strength of the Kingdom in great Measure depend upon the *inviolable Preservation of the*  
 \* *Act of Toleration*, which has been most maliciously and  
 \* seditiously traduced and misrepresented by Doctor Sache-  
 \* verell.

Mr. Thompson's **M**R. Thompson who spoke next said, it  
 Speech. was his Part to trouble their Lord-  
 ships with a Reply to such Answers as had been offered to  
 the Third Article of this Impeachment; and notwithstanding  
 what had been said by the Council, produced in Evi-  
 dence, and alledged by the Doctor himself to move their  
 Lordships Compassion, he was concerned, even for his sake,  
 that he could observe it to their Lordships, That *the Charge*  
 in this Article remain'd intirely *unanswered*. That before he  
 enter'd into the Particulars, he must observe to their Lord-  
 ships, that if there were any doubtful, or any the least fa-  
 vourable Construction to be made of some Passages in this Ser-  
 mon, the Commons would not have given their Lordships  
 this Trouble, nor the Doctor an Opportunity of censuring  
 their Impeachment as a *hard-hearted and uncharitable Prosecu-*  
*tion*. That he could not but think it very ungenerous to in-  
 sult any Man in Misfortunes, or to treat one in his Condi-  
 tion with *Scorn and Indignity*, neither had he, or should he be  
 guilty of it; but he must take leave to say, that no other In-  
 terpretation could be made of some Passages applicable to this  
 Head, but what is Criminal, since so many learned Council,  
 since so many able Heads who had assisted the Doctor in his  
 Defence, nay, since he himself, who should know best his  
 own Meaning, had not been capable of giving the least Co-  
 lour or Pretence of any Construction of them in his Favour.  
 That whatever Pity their Lordships might be inclined to in  
 their private Capacities, for any one who had (he could not  
 say through Inadvertency) brought himself into Affliction;  
 whatever Dispositions they might have to Mercy, yet he  
 need not say, that there is a Compassion, a tender Regard  
 due to the Welfare of their Country, a Care incumbent on  
 them to suppress what has the least Tendency to *Sedition*,  
 and the Disturbance of the publick Peace of the Kingdom,  
 and that these important Trusts have a Claim to their Lord-  
 ships Justice, preferable to any private Concern whatsoever.  
 That not to detain their Lordships any longer in Generals,  
 he should proceed to state the Charge and Defence, that  
 their Lordships might have a view of the Insufficiency of  
 the latter; That the Charge was, "That the Doctor Sug-  
 gests and Maintains, that the Church of *England* is in a  
 "Condition of great Peril and Adversity under Her Maje-

ty's Administration : He denied, that he suggests any Danger to the Church, but only from Vice, Infidelity, Blasphemy and Heresie, but not at all from or under any part of Her Majesty's Administration.

That the first Passage he (Mr. Thompson) produced to their Lordships, to prove the Charge was in Page the 5th, in these Words : *Tho' it were very obvious to draw a Parallel here betwixt the sad Circumstances of the Church of Corinth formerly, and the Church of ENGLAND at present, wherein our Holy Communion has been rent and divided by Factions and Schismatical Impostors ; her pure Doctrine has been Corrupted and Defiled, her Primitive Worship and Discipline Profaned and Abused, her Sacred Orders Denied and Vilified, her Priests and Professors (like St. Paul) Calumniated, Misrepresented and Ridiculed, her Altars and Sacraments prostituted to Hypocrites, Deists, Socinians and Atheists ; and this done, I wish, I could not say without Discouragement, I am sure Impunity, not only by our professed Enemies, but, which is worse, by our pretended Friends and False Brethren.*

That the Learned Council pretended to shew, that most of these Calamities attending the Church, proceeded from the Blasphemous and Heretical Books and Pamphlets produced to their Lordships, and that the Dr. meant them to be the Cause of the Danger he suggested : ' Now pray my Lords, said Mr. Thompson, how can that Construction be made ? How can this be consistent with the Doctor's Assertion, that all this is done, not only by professed Enemies (which every Body will agree takes in the Infidels, Blasphemers and Hereticks) but by pretended Friends and False Brethren ? When I took the liberty to observe on this Passage, I stated it thus ; Who could prostitute Altars and Sacraments to Hypocrites, Deists, Socinians and Atheists, but some of the Doctor's own Order ? And who were to punish those Crimes ? Who could they be that did not discourage them, but suffered them to be committed with Impunity, but his Ecclesiastical Superiors ? and that they were part of Her Majesty's Administration, no Body could deny. Now what Answer, my Lords, was given to this ? To the first part of this Paragraph, about rendring the Communion by Schismatical Impostors, and so to the other Particulars, 'till the last, it was shifted off to the professed Enemies, the Infidels, Blasphemers and Hereticks, Dissenting Teachers, and Popish Priests, but nothing laid to the *False Brethren*, who, the Dr. says, neither Punish nor Discourage. But when the learned Council came to the last Calamity of the Church, that of prostituting the Altars and Sacraments, &c. they are pleas'd to make *Occasional Conformists* their Atheists, &c. that receive the Sacraments ; but as to the Charge of ar-

raign-



raigning the Persons that do not discourage or punish those who prostitute Altars to Atheists, &c. they thought fit to *slide it over*, and not say one Syllable to it; they did not so much as *mumble this Thistle*, and the others but very tenderly. Pray, my Lords, in the Interpretation I make, where is there any *Foreign Intendment*, any forced Construction, or strained Inference against the Doctor's express Words, and positive Assertions? Let every candid Reader, without Prejudice, impartially consider the Meaning of this Passage; Is this a Danger suggested from Books or Pamphlets? Or is it not a plain and direct Invective against those Persons in the Church, who are charged with being the Occasion of these Dangers to the Church by their Remissness in their Duty, not only in not punishing, but not so much as discouraging those Crimes: And to whom can his *Lazy Defenders within* relate, but to the same Persons, those that are within the Church, and are to protect it? But if it were true, that Altars and Sacraments were thus prostituted, why must the World be told in this manner of it? Tho' it is the Duty of a Clergyman at all Seasons, and in all Places, as one of the Doctor's Council was pleased to say, to Preach against Vice and Infidelity, Immorality and Prophaneness; yet sure none will say, that he is to revile his Superiors, and charge them in this method with their want of Duty, and Care for the Church: What other end must such licentious Reproaches produce, but a Contempt of their Persons, a lessening the Dignity of their Order, and a Diminution of that Character which gives them the Capacity of doing good in the World, whilst they preserve a Veneration and Esteem, but which must cease when they meet with the contrary: The Dr. was so sensible of this, when he mentioned it as his own Case, that he thought *the very Imputation of a Crime to any of his Function, tho' acquitted of it, must leave a Scar so as to blemish his Character*; sure then he ought to have used the utmost Caution, before he Preached or Published this Sermon, and to have considered the pernicious Consequences of reviling those in Authority. If, as he was pleased to say, ill treating of him, who was an *Ambassador of Christ*, was despising Christ himself; sure it cannot be thought an unnatural Inference, if Her Majesty is said to be reviled, by reflecting on those who act under Her Commission, and are part of Her Administration.

That the second Passage he troubled their Lordships with, was in Page 16; that the Dr. had been talking of the *Comprehension and Union* of the Church and Dissenters, and giving a great many hard Names to it; which Design their Lord-

ships knew had its rise from a Commission under the Great Seal from his late Majesty to several Lords, Bishops, and other Learned Divines, who were to consider of proper Methods to accomplish it; But the Dr. thank'd God, that Providence had blasted the long projected Scheme of these Ecclesiastical Achitophells, with other scurrilous Reflections on the Design, and those concerned in it; and then he said, *That since this Model of universal Liberty and Coalition failed, and these False Brethren could not carry the Conventicle into the Church, they are now resolved to bring the Church into the Conventicle, which will more plausibly and slyly effect her Ruin; what could not be gained by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can't be pull'd down, it may be blown up; and no matter with these Men how 'tis Destroyed, so that it is Destroyed.*

Now pray, my Lords, added he, where is the forced Construction to make the Dr. in this Passage speak of Persons in Church and State who endanger the Church, and not of Books and Pamphlets, Vice, Infidelity, &c. That he is on his second general Head of the Perils of False Brethren in Church and State, and of those Persons who could not accomplish the Destruction of the Church by the Comprehension, but were doing it another way, by Occasional Conformity and Moderation; that he did not know that either of these are condemned by the Law for Vice, Infidelity, Blasphemy, Heresie or Prophaneness; but be that as it will, 'tis from the Persons in Church and State the Danger is suggested to arise, and who, as the Dr. was pleased to say, make use of these only as means to blow up and destroy the Church: But then Mr. Thompson suppos'd, these Persons in the Church must be interpreted to be only the most Inferior, and so no Reflection on the Administration: For as Men of Characters and Stations in the State were construed to be Constables, Excise-men, and Custom-house Officers, so these Persons who were to bring about the Comprehension, and are now blowing up and undermining the Church in another manner, must be Church-Wardens, Parish-Clerks and Sextons: Which sort of Contructions by the Doctor's Learned Council, were so easie and natural, that he must agree with his Observation, that they have not much Argument, Learning or Eloquence to support them.

That he could not but observe a very extraordinary Method of answering this Passage and the next, by one of the Learned Council, who was pleased to Cite two other Passages, in the Sermon, which were never mentioned by him, or any of the Managers of this Article, and with very strenuous

Zeal

Zeal in  
in cha  
the way  
those  
in Dan  
Syllable  
the 16p

That  
in the  
' Treac  
to be  
' or Cr  
speak  
Doctor  
they m  
Books  
Constru

That  
Dr. is  
casioner  
And no  
ces? A  
stupid l  
be out  
Voted  
ving bi  
sage, i  
the Chr  
tion to  
seem'd  
Danger  
Church

and is  
bers th  
he only  
King,  
him sa  
the M  
no dang  
of the  
the Dr  
and ha  
tenths  
test be  
as it  
King o  
part of

Zeal he explain'd those Passages by chiming in with the Dr. in charging *Occasional Conformists* with *Atheism, Deism, and the worst of Crimes*; and then he concluded, that the Dr. in those Passages he cited, had not assered the Church to be in Danger under Her Majesty's Administration, but not one Syllable, to this Passage which Mr. Thompson cited in Page the 16th.

That the third place he troubled their Lordships with, was in the 18th Page; his Words are, 'Falshood always implies Treachery, and whether that is a Qualification for any one to be trusted, especially with the Guardianship of our Church or Crown, let our Governors consider: that these Words speak so plainly they need no Comment, nor had they (the Doctor and his Council) offer'd at any Explanation of them; they must relate to Persons, and can have no reference to Books or Pamphlets, Blasphemies or Heresies, &c. by any Construction whatever.

That the fourth Passage, was in Page the 20th; where the Dr. is talking of Dangers from National Sins, which are occasioned by *Dissenters* and *False Brethren*, and then he says, *And now are we under no Danger in these deplorable Circumstances? Must we lull our selves under this sad Repose, and in such a stupid lethargick Security embrace our Ruin? I pray God we may be out of Danger; but we may remember the King's Person was Voted to be so, at the same time that his Murderers were conspiring his Death.* That the Subitance of the Charge in this Passage, is an Intention to reflect on the Members who Voted the Church to be out of Danger, by the Comparison and Allusion to the Vote relating to the King; that the Meaning seem'd evidently, that tho' the King was Voted to be out of Danger, yet he was not out of Danger; and so, tho' the Church was Voted out of Danger, yet the Church was then and is still in Danger: But whether he meant it of the Members that passed that Vote, was the question; that he said, he only meant it according to his Notion of that Vote of the King, that those not privy to the Design against him Voted him safe, whilst others conspired his Murther; so when the Members Voted the Church of *ENGLAND* to be in no danger under Her Majesty's Administration, it was none of them, but others that were conspiring her Ruin. That the Dr. was pleased to say too, That that Vote was a Year and half before the King's Death, and that there were not a tenth part of those Members who Voted the King safe, the rest being turned out, and no House of Lords: But be that as it will, they were the same Parliament that Voted the King out of Danger; and they that conspired his Death, were part of those who Voted him safe, and who turned out the rest



rest to accomplish their Designs : And tho' the Parallel should not run so as to reflect on both Houses of Parliament and all the Members, yet if it glanced at some of them, and was so intended, it was a Circumstance of Aggravation, and that was the only Intent of its being part of the Article ; and he could not but think the Dr. was apprehensive of some Reflection of that kind, for he said immediately the very next words, *That he hopes what he has so freely spoken will not give Offence* : If he had not a view to that Vote of the Danger of the Church, there was no occasion for that Apology.

That the fifth and last place he troubled their Lordships with, was in the last Page, where there were some Pathetical Expressions which the Dr. chose out of the Scripture, and managed them with others of his own, so as to represent the Church to be in the utmost Peril ; he mentions nothing of Vice, Blaphemy or Infidelity, *But that she lies Bleeding of the Wounds she has received in the House of her Friends* : He cited the *Lamentations* for it, but there being no such Text there, Mr. Thompson took the liberty of saying it was a *Lamentation of his own making*. That he should not trouble their Lordships any more as to this Particular, but that he was in some measure oblig'd to vindicate himself from what one of the learned Council hinted upon this Occasion ; that he was pleased to say in the Defence to the first Article, he was as much at a loss to find out a Passage in the Sermon, as one of the Managers was to find the Text in the *Lamentations*. That tho' this was but a Trifle to the thing in Question before their Lordships, yet since that Learned Gentleman was pleased to Triumph, as if he had him sure and unanswerable on this Point, he beg'd their Lordships Indulgence that it might appear which of them was in the right. That the Dr. having cited that Text to be in the 2d Lam. 4th, he looked through the *Lamentations*, therefore knew he might venture to say what he did ; that he had looked over it again, and was sure there is no such Text there ; that it gave him occasion to read and reflect on the other Texts cited by the Dr. in the Prophecy of *Zachariah*, the 13th Chapter, where there are some Words that he suppose were meant, tho' I could not but observe the Dr. to be very unhappy in the Choice of his Scripture, this as well as others being directly contrary to his Purpose. That the Words cited are in the 6th Verse, the two preceding Verses explain them ; the subject Matter was false Prophecy. In the 4th Verse 'tis said, *It shall come to pass in that Day, that the Prophet shall be ashamed, every one of his Vision, when he has Prophesied*. In the 5th Verse, the Prophet is to deny that he is a Prophet, and says he is a *Husbandman*, and no Prophet. And in the 6th Verse he is

asked

asked  
Hous  
false  
equal  
were  
be th  
thoug  
his Se  
phed  
pute,  
of our  
insult  
Book  
umph  
other  
submi  
several  
thoug  
Doctor  
rally,  
Heresie  
Her. M  
strong  
ing cor  
was hi  
That  
dence  
this Ar  
scandal  
republi  
Blasph  
cil forb  
into the  
they ha  
Issue be  
to take  
stoln int  
of them  
Publish  
and Righ  
thor of  
so that t  
ty, nor  
That he  
pious Pa  
been pub  
have bee

asked where he received his Wounds, he answers, *in the House of his Friends*: So that he retains the Character of a false Prophet all along, and what he says in each Verse is equally true, and consequently that the Wounds he received were not in the House of his Friends. That whatever might be thought of the Doctor in this Matter, Mr. Thompson thought he might conclude, that his Learned Council had his Scripture by hear-say, or else he would not have triumphed when he had so little Reason. That there was a Dispute, not many Years since, between two Learned Divines of our Church, about the Rights of the Convocation; one insulted the other for his Ignorance in the Common Prayer-Book; but upon Examination it appear'd, that he who triumph'd most was most ignorant of what he charged on the other: Whether this Case is not somewhat Applicable, he submitted to their Lordships. That having done with the several Passages made use of to maintain this Article, he thought he might say the Charge contained in it, (That the Doctor asserts the Church to be in Danger, not only generally, nor so as to be meant from Vice, Infidelity, Schism or Heresies, Blasphemy or Prophaneness, but from and under Her Majesty's Administration,) was not only affirmed, but strongly proved. That he was not charged here with speaking contrary to his Words, or with Negative Crimes, nor was his Silence, as he was pleas'd to say, made Criminal.

That he must now beg leave to observe a little on the Evidence produced on the Doctor's Behalf, and in his Defence to this Article. That their Lordships had a Collection of many scandalous Books and Pamphlets, *drawn from Obscurity to be republish'd to the World*, for the more effectual suppressing Blasphemy and Prophaneness: And since the Doctor's Council forbore to mention the Particulars, he should not enter into them; only in general he thought he might say, that they had been proved to be no way material to what was in Issue before their Lordships: But it might not be improper to take notice, that most of these Books appear'd to have stoln into the World, and the Authors still concealed; some of them Printed in *Holland* seventeen Years before, and others Publish'd since the Doctor's Sermon: And for the *Observers*, and *Rights of the Christian Church*, 'twas well known the Author of one, and Publisher of the other had been Prosecuted; so that these could not be said to be tolerated with Impunity, nor meant as the Provocation for the Doctor's Censure. That he was sorry there were any of these prophane and impious Pamphlets: That there were some others too, that had been publish'd within these seventeen Years, which might have been taken notice of, but he did not find them in the Doctor's

Store's Catalogue. That there was a blasphemous Sermon preach'd and publish'd by Doctor Binks; Mr. Dodwell's Charge of Schism, and unbishoping most of the present Bishops; the same Gentleman's *Baptismal Union of the Spirit*, or his *No Immortality of the Soul*; and one Mr. Lesley's *Project of uniting ours and the Gallick Church*. Whether these Books were thought by the Doctor to tend to the right Establishing our Church and true Religion, he need not say, but he did think they were worthy his Notice, and might vie with most in his Collection; and if he had been so incensed against erroneous Doctrines, it had been a worthy Task sure, and well becoming his *honest well-meaning Zeal*, to have endeavour'd a Confutation of them; then his *Asperity* in rebuking, his *harsh and vehement Expressions* would not have been ill employ'd: But instead of this, to turn his Violence against his Superiors, for not punishing, what it may be, they never heard of; and to lay the Danger from these Doctrines at their Doors, was not to be justified by any pretended Provocation of this kind whatsoever.

That there was another piece of Evidence produced to their Lordships, viz. some Proclamations against Immorality and Prophaneness: But he could not conceive there was any thing to be infer'd from them in the Doctor's Favour. Because, said he, the Queen commands the Magistrates to put the Laws in Execution, therefore every private Divine may arraign his Superiors for a suppos'd Neglect of their Duty, as often as he thinks fit; I say, I don't understand this Inference, but I can easily apprehend the Consequence to all Governments that will suffer such *Presumptions*. That the Doctor himself was pleased to say, That one of the Dangers of the Church mentioned by him was forgot by the Managers, that was from Papists and their Emissaries: That He would do him the Justice to remember, that he bestow'd six Lines on this Danger, but twenty six large Pages on the Danger from those in Church and State. That then it was said, that the Doctor pray'd for the Queen, had taken the Oaths to the Queen, and therefore he could have no Intention to Reflect on Her Majesty, or any Part of Her Administration either in Church and State; And the Doctor in his own Speech was pleased to acknowledge Her Majesty to be a Nursing Mother to the Church, but he, Mr. Thompson, could not observe one Syllable to the Reverend Fathers of the Church, of his Opinion of their Care of it; He could hear him admonish that venerable Bench of the Guilt of departing from the Church, and abandoning the Principles of the Church, if they should Punish him a true Son of the Church, for preaching the same Do-

Doctrin  
whate  
Th  
Nature  
after h  
vail wi  
cation  
That h  
stor's c  
was ple  
Oaths t  
Charita  
Men,  
would  
cording  
ty, just  
solve no  
et of th  
Displea  
do not  
the Cree  
necessar  
That  
against  
ver enco  
to shew  
to own  
will not  
it will a  
or desire  
not to b  
all, was  
That in  
Council,  
tive Aff  
Envy and  
guarded  
blasted b  
be very  
Virulence  
want a I  
by fly Pa  
with poss  
ships, T  
sitive Af  
produc'd  
nor of hi



Doctrine with theirs ; as if there was no manner of Difference whatever.

That it seem'd very strange, that after a Charge of this Nature of Reflection upon his Ecclesiastical Superiors, that after having studied so much Submission, he should not prevail with himself for so much as a Compliment upon this Occasion ; such Behaviour seem'd to need no Explanation ; That he should be very unwilling to recollect any of the Doctor's charitable Opinions of his own Brethren, who, as he was pleased to say, *can sacrifice their solemn Declarations and Oaths to Complaisance and Preferments*. That he would be so Charitable as to believe well, and think favourably of all Men, but when the contrary did so manifestly appear, it would be Injustice to the rest of Mankind not to judge accordingly. It would be a Remissness and Negligence of Duty, justly blameable, if we were to shut our Eyes, and resolve not to see what so evidently threatens the Peace and Quiet of the Kingdom ; if Men must be allow'd to vent their Displeasure at such Proceedings of their Governours which do not suit their particular Humours, what must become of the Credit and Reputation of any Government, which is so necessary to preserve it ?

That their Lordships had heard a great many Objections against *Innuendo's*, that they are dangerous Things, and never encourag'd, and that their Lordships had been pleas'd to shew their Dislike of them. That he should not scruple to own, that to lay a Meaning to a Man when his Words will not bear it, to make any invidious Contruction when it will admit of a favourable one, he could neither approve or desire. But because the *extream or ill Use* of any thing is not to be allowed, that therefore they must never apply it at all, was such Logick and Law as he had not been used to. That in the Case *de Libellis famosis*, cited by the Doctor's Council, their Lordships would find, that if only plain positive Assertions are Libels, there will be no Fence against the *Envy and Malice* of wicked Spirits : And if the Law has guarded every private Man's Reputation, so as not to be blatted by *oblique Turns* and *scandalous Insinuations*, it would be very hard if those in Authority should be exposed to the *Virulence* of every discontented *Humourist* ; Malice will never want a Pretence, or Means to convey Scandal and Reproach by sly Paratells and Allusions, which may do equal Mischief with positive Assertions : But he must observe to their Lordships, That there are not only oblique Insinuations, but positive Assertions. For not only those Passages which he had produc'd which were express, but the whole Scope and Tenor of his Sermon related to the Peril of the Church from

Persons in Church and State, and not those evasive Shifts of Vice and Infidelity, Books and Pamphlets. That if the Doctor had only rebuk'd Immorality, Blasphemy, Prophaneness and Irreligion, he might still have attended his Flock, [His Parishioners were part of the Mob that attended him to and from his Tryal.] and they not have been brought to attend him, nor would he have been thought to Arraign the Resolution of the Parliament; but for him to take upon him to Censure and Expose his Superiors, and to insinuate into the Minds of the People the Danger of the Church from those Persons who have the Protection of it, was no likely Method to suppress Immorality and Prophaneness, and was directly contrary to the Words and Intent of the Resolution of their Lordships and the Commons. That to what End the Doctor had thought fit thus to disperse his Sermons, might be easily imagined; and their Lordships could not be unacquainted with the History of a Neighbour Nation, what temporal Ends were to be accomplish'd by a loud Outcry of Danger to the Church; the Church, Religion and the Church. Whether that would not bear a Parallel with the groundless Clamours which had occasion'd many of our present unhappy Divisions, he submitted to their Lordships.

' It remains, my Lords, said he in the Conclusion, that I answer one of the Learned Council; *what the Nature of this Offence is*: I shall only tell him in the Words of your Lordships and the Commons Resolution, made publick by Her Majesty's Proclamation, *That whoever creates unreasonable Distrusts and groundless Jealousies in the Minds of the People; Whoever Distracts the Kingdom by false and seditious Rumours of the Danger of the Church, to cover Designs they dare not own; Whoever goes about to insinuate that the Church is not in a safe and flourishing Condition under Her Majesty's Happy Administration, is an Enemy to the Queen, the Church, and the Kingdom.* Which, in other Words, is, Against the Law, against the Temple, and against Caesar has he offended. ' Nay, my Lords, has not this bold Offender gone yet farther, has he not told your Lordships at your own Bar, That, notwithstanding the Toleration, the Dissenters are Schismatics, and liable to Spiritual Censure; That by continuing the Indulgence to them, you countenance Schism; and that while Schism is continued, the Church must be in Danger? So that resolve what you please, and make what Laws you will in their Favour, he must still Thunder out his vehement Anathema's against them, as dangerous to the Church. This, my Lords, is a Specimen of that Independency of the Church, that of late has been so much struggled for, and which, if not confuted in time by Authority,

thority  
And si  
Defie  
the Co  
may ap  
and wh  
such a  
ments.

My  
Lordsh  
but you  
Satisfac  
submit  
This  
after whi

Sir Thom  
Speech.

make goo  
his Duty  
cular Obje  
the Counc  
ed to prov  
this Arti  
are Men  
are Fals  
and betr  
who ar  
stitution  
be plain

1. Tha  
False Bret  
undermine  
of others,  
Constitutio  
2. Tha  
False Brat  
if these t  
was just.

That he  
not need t  
two Propo  
way; gre  
exaggerate  
fitions, t

thority, may soon devour the Supremacy and the State. And since the Doctor has and does still thus presume to Defie and Arraign the Resolution of your Lordships and the Commons, he is properly before this Tribunal; and I may apply to him the Saying to a Goat browsing on a Vine, and which was applied to one of another Function upon such an Occasion, who had defied the Power of Parliaments.

*Rode Caper vitem tamen hinc cum stabis ad Aras*

*Is tua quod fundi Cornua possit, erit.*

My Lords, the Commons are so fully assur'd of your Lordships Wisdom and Justice, that they cannot question but your Determination in this Proceeding will be to their Satisfaction; therefore I shall trouble you no farther, but submit to your Lordships Judgment.

This Eloquent Speech was receiv'd with great Applause, after which Sir Thomas Parker said,

Sir Thomas Parker's **T**HAT having already by Command Speech.

of the Commons endeavoured to make good the *Fourth Article* of this Charge; it was now his Duty to support, what he offer'd before, both against the particular *Objections*, and the general *Rules*, propos'd or insinuated by the *Council*, or the *Prisoner*. That the first Thing he attempted to prove by particular *Passages*, was the Second Clause of this Article: That Doctor *Sacheverell* suggests, That there are *Men of Characters and Stations* in Church and State, who are *False Brethren*, and do in themselves *weaken, undermine and betray*, and do encourage and put it in the *Power* of others, who are professed *Enemies*, to overturn and destroy the *Constitution and Establishment*. That this he thought would be plainly made out, if he could shew these two Things:

1. That the Doctor has asserted, in express Terms, of all *False Brethren* in general, that they do in themselves *weaken, undermine and betray*, and do encourage and put it in the *Power* of others, who are professed *Enemies*, to overturn and destroy the *Constitution and Establishment*: And,

2. That he charges *Persons of Characters and Stations* with *False Bratherhood*: Apprehending the *Consequence* clear, that if these two Things were asserted by the Doctor, the Charge was just.

That he used likewise some farther *Proofs*, which he should not need to repeat. That besides some little *Cavils* as to the two Propositions, which he should take notice of by the way; great *Complaint* was made, often repeated, and much exaggerated, that he had brought together these two Propositions, that are twelve, or nine, or at least seven Pages a-

sunder.



fundest: That he took notice of this *trifling Objection* before, and what he said to it, neither the Doctor nor his Council had attempted to Answer. But they all seeming to lay the greatest stress upon this Part, and the Council every one repeating it, he begg'd Leave to state once more how that Matter stood.

That the Doctor in this Sermon proposes (1) To describe *False Brotherhood*; (2) To shew the *Mischief*, and (3) the *Malignity* of it. And this *single Consideration* would make one expect, that these *Heads* should relate to one another, at whatever Distance he takes them up.

Note, *The Pages of the Sermon are refered to as in the second Edition, which was that which was proved and read in Evidence.*

Under the second Head, Page 15, (continued Sir Thomas Parker) he asserts, of all *False Brethren* in general, that "they do in themselves weaken, undermine and betray, and do encourage and put it in the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment. This is my first Proposition in Terms, and nothing is objected to it: Only a little Attempt is made to divert the Question, by mentioning some particular sorts of *False Brethren*, and saying he there speaks of *False Brethren* in some of those Senses of the Word. I agree it; he that speaks of all, speaks of such as are included in those Senses of the Word, which he mentions; but likewise speaks of all others too; speaks of, such as he has mention'd any where else, as well as there, such as are Men of Characters and Stations, as well as such as are not.

Under the third Head, in shewing the *Malignity* of this Sin (not in it self, that he had shewn before, but) with regard to the World. He instances first, in the *Mischiefs* arising from Men of Characters and Stations, in the Words I formerly cited. This, I thought, made out my second Proposition to be the Doctor's, "That Men of Characters and Stations are *False Brethren*. This is faintly deny'd; and 'tis said, he does not here suggest Men of Characters and Stations to be *False Brethren*, but what is here spoke relates to their private Behaviour, and not to the Administration. Besides, that this is directly against the plain Import of the Words, to let your Lordships see the Candour of this Defence, let us suppose it true; and that it is the Doctor's Opinion that the Persons he here speaks of, be they great or mean, are not *False Brethren*. Then the Doctor, to be consistent with this Defence, must affirm, that he here sets forth the *Malignity* of *False Brotherhood*, by shewing the *Malignity* of another Sin, which is not *False Brotherhood* in Persons of Characters and Stations, who

are

are not  
ven to  
Station  
the P  
Council  
would  
to prov  
Stations  
and Sta

The  
which  
more w  
distant

He ha

" That

" tray,

" Enem

" stabli

Charact

reasonab

" there

" State

" weak

" it in t

" overtu

This is t

it expose

to all F

to belong

to those,

thren, ex

those who

is most t

nexion of

Doctor hi

this is In

though sp

in falling

principally

ges that s

particular

to far from

what to fi

the Pedant

tation to c

sitions of

Inference h

are not *False Brethren*. This is the wretched Shift he is driven to, taking it the best for him. That these *Characters and Stations* relate both to *Church and State*, all his *Discourse* in the *Places cited*, and every where else, shews; nor has he, or his Council made it an *Objection* that they do not; so that it would be very much mispending your Lordships Time, to go to prove, what is not deny'd, that by *Men of Characters and Stations*, he intends *Men of Characters and Stations in Church and State*.

The two *Propositions* being thus cleared, let us see if that, which is laid hold of to declaim so earnestly upon, have any more weight in it, that is, the joining together these two distant *Propositions*. The *Objection*, rightly stated, is this:

He has in one *Place* affirmed of all *False Brethren* in general;

"That they do in themselves weaken, undermine and betray, and put it in the Power of others, who are professed

"*Enemies*, to overturn and destroy the Constitution and E-

"*stablishment*; And seven Pages off, has represented *Men of*

*Characters and Stations* as *False Brethren*: And we (very un-

reasonably!) have charged him with suggesting, "That

"there are *Men of Characters and Stations* in *Church and*

"*State*, who are *False Brethren*, and do in themselves

"weaken, undermine and betray, and do incourage and put

"it in the Power of others who are professed *Enemies*, to

"overturn and destroy the Constitution and *E*stablishment.

This is the true *Strength* of the *Objection*, and the very stating

it exposes it. The general *Mischief* he mentions, as common

to all *False Brethren*, *Pag. 15*, I presume will be admitted

to belong to those described, *Pag. 7*; why then not as well

to those, *Pag. 22*? Must not what is said of all *False Bre-*

*thren*, extend both to those whose *Crime* he describes, and to

those whose *Malignity* for that *Crime* he exposes? And which

is most to be regarded, the *Distance* of the *Place*, or the *Con-*

*nexion* of the *Scheme*, and the *Nature* of the *Propositions*? The

Doctor himself seems rather to press the *Objection* thus; That

this is *Inference*, and joining independent *Propositions*; which,

though spoke by him in general, the *Unanimity* of his Council

in falling upon this Part of what I said, shew, it was spoke

principally with a *View* to these two *Passages*: Are then *Passa-*

*ges* that speak of all *False Brethren*, and that speak of some

particular *False Brethren* independent? My Lords, These are

so far from being independent, and so ill have they chosen out,

what to find fault with, that (if your Lordships will pardon

the *Pedantry*, considering I have a *Man of Logick and Disputa-*

*tion* to deal with) the two *Propositions* are the two *Propo-*

sitions of a *Syllogism* concluding in the first *Figure*. And the

*Inference* he complains of, is the *Conclusion* necessarily arising

from

from them, according to the Rules of Logick. The whole Syllogism runs thus.

All False Brethren do in themselves weaken, undermine, and betray, and do encourage and put it in the Power of others who are profess'd Enemies, to overturn and destroy the Constitution and Establishment.

Persons of Characters and Stations are False Brethren.

Therefore Persons of Characters and Stations do, &c.

Sir Thomas urg'd, that the two first Propositions are what he had shewn the Doctor plainly to lay down; the other only a necessary Consequence. Then said he, would any one expect that the Doctor should be so forgetful of the Rules of Logick, as when he had laid down the Premises, to deny the Conclusion? or to deny the Conclusion to be his Doctrine, who laid down those Premises? Can it be thought, that he laid them down without an Intention that his Hearers should make the Conclusion? or could he think it possible they should not make it? Or shall the suppressing a Conclusion so plainly arising, which is taken Notice of in some that write of Logick as an Elegance in Discourse, pass for an Excuse?

That let the Doctor describe False Brethren in general as Betrayers and Destroyers of the Church, and the proper Objects of the Rage and Fury of the People, and then expose as False Brethren those in the Administration, Persons of Characters and Stations, from the chief to the least, the People would quickly make the Application. That if any one should inflame the Mob to such a Degree of Rage and mistaken Zeal, as to forget the Spirit of the Gospel, and to believe it their Duty, to serve God by breaking the publick Peace, and to support his Church, by pulling down all Meeting Houses, and riving the Houses of all Dissenters; he needs afterwards only to tell them, THIS IS A MEETING HOUSE, HERE LIVETH A DISSENTER, they are not so dull as to fail of making the Conclusion: THEREFORE THIS HOUSE IS TO BE PULL'D DOWN, THEREFORE THIS MAN IS TO BE PLUNDERED, and of putting it immediately in Execution, where they dare. That suppose such a Man should, in Defence of himself, say, "I did not bid them pull down this House, nor rise that; my telling them All Meeting Houses were to be pull'd down, All Dissenters to be mark'd and plunder'd, was four Months before I told them THIS WAS A MEETING HOUSE, OR THAT MAN A DISSENTER, and to carry back a Man's Words I spoke only by way of Information, to what was said four Months before by way of Doctrine, is the greatest Hardship in the World. Would

this

this  
dign  
casio  
M  
burn  
once  
thing  
and  
Shall  
laid d  
pressie  
and  
shall n  
lowed  
the Q  
ly, my  
your I  
of this  
Lordsh  
great 2  
couple  
same.

That  
Part of  
does it  
departs  
not just  
Body h  
little to  
ed this  
which  
been the  
believed  
Reasons.  
that the  
Hint, th  
ly shewn,  
Excuse a  
spoke  
pointed  
nours o  
he has  
the Ma  
ders ana  
are, as  
but yet  
Persons



this pass for an *Excuse*? or would it not add to the *Indignation* against so impertinent a *Trifler* on so *sad* an *Occasion*?

My Lords, added he, the burning a *Meeting House*, the burning *all* the *Meeting Houses*, the laying this *Metropolis* once more in *Ashes* by the *Enemies* of our *Constitution*, is nothing to the *inflaming* the *Nation*, and rendring the *QUEEN* and Her *ADMINISTRATION* odious to the *People*: Shall it then be an *Excuse* for the *Doctor* here, when he has laid down the *Premises*, to say, that he has not in *Words* expressed the *Conclusion*? Shall the *meanest* of the *People*, clearly and *rightly* collect this is *Doctor Sacheverell's Doctrine*; and shall not *we* in *accusing*, and *your Lordships* in *judging*, be allowed to collect it, when we are endeavouring to preserve the *Queen* and *Constitution*, and *all* that is *dear* to us? Surely, *my Lords*, we shall. Nor is the *strict Consequence* that *your Lordships* find in this *Claufe*, always *necessary* in *Cases* of this *Nature*: But I was willing to shew it here, that *your Lordships* may see, with what *Justice* this was made the great *Topick*, whereupon to declaim against *Hardships*, and to couple such *Inferences* with *Innuendo's*, as if both were the *same*.

That as for taking one *Part* of one *Sentence* and another *Part* of *another*, whoever makes a *Conclusion* in *Logick* ever does it; and only then does amiss in it, when in doing it he departs from the proper *Rule*, and where the *Consequence* is *not just*; which he had *shewn* was *not* the *Case* here, and no *Body* had *attempted* to make out that it was. That 'twas as little to the *Purpose* what was said, that he had not restrained this to *Persons* of the *Highest Characters and Stations*, which *Sir Thomas Parker* shew'd so fully before, that it had been thought more *advisable* to *pretend* he *admitted*, what he believed he plainly *disprov'd*, than to *offer* any *Answer* to his *Reasons*. That he should only add, that 'twas *not pretended*, that there is one *Word* in the *Sermon* that looks like the *least Hint*, that *only inferior Officers* were meant; and 'twas plainly *shewn*, that *others* were *intended*: And then the *Doctor's Excuse* amounted, at *best*, but to this. 'He has indeed spoke in reproachful *Terms* of *Magistrates in general*, he has pointed to those that *have*, and those that *bestow*, the *Honours* of the *Church*, and *Places* and *Preferments* in the *State*; he has pointed to the *Chief*; his *Reasoning*, when he shews the *Malignity* of the *Sin* from *Examples* of *Persons* of *Characters and Stations* is the *stronger*, the *Greater* these *Persons* are, as the *Examples* of the *Greatest* are the most *Contagious*; but yet he relies upon it, that since the *general Mention* of *Persons* of *Characters and Stations* takes in the *Meanest* as

well as the greatest, 'tis not to be doubted but the all-discerning People, especially when sufficiently fir'd and enrag'd, will restrain the Words to the most innocent Meaning, and apply them only to inferior Officers, Constables, and those in the nearest Degrees to them. This, added he, is the Sum of this notable Excuse. Let this therefore, where, by bending their united Force against it, they seemed to have the greatest Hopes of making some Impression, serve for the Specimen chosen by themselves, of the Hardships of Inferences and Innuendo's in this Charge.

That the third Clause, "That he chargeth Her Majesty, and those in Authority under Her, with a general Misdemeanour; The first, That he suggests that Her Majesty's Administration both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution; are so manifest, that after what had been said, and was unanswer'd, it would be but losing time to attempt to make them more plain. Nor were their Defence, and the Books and Pamphlets read on this Head, to the Purpose. For sure, the shewing that there have been some Paltry Scriblers, few in number, many long since dead, some mad, some that had undergone the infamous Punishment of the Pillory, most of them prosecuted or unknown, did not prove, that there are Seminaries for the open Profession of those Blasphemies and Impieties; much less, that they are suffered by the Government, or that their Follies can be called an open Violence upon the Church, or their Faults made the general Character of the Nation, and charg'd upon the Queen and Her Administration. That when a scandalous Book is published, or contagious Sin committed, any Subject who has a real Zeal to prevent the Mischief spreading, may apply to the proper Magistracy to suppress it; and if inferior Magistrates neglect their Duty, may carry the Complaint, against them and it, to their Superiors: But is it to be endur'd, in any established Government, that a Man pass over all the Magistrates and make an Appeal to the People, not only against the Offenders, but against the Magistrates too? That this is properly Faction, this is invading the Royal Authority; 'tis, in the Doctor's own Words, "A rebellious Appeal to the People as the Dernier Resort of Justice and Dominion; 'tis erecting a popular Tribunal, where not only Scriblers, but the Queen and Her Authority are to be try'd. That the Doctor indeed pretended that his Zeal was only against those Offenders, and such as keep not within the Bounds of the Toleration Act; that his Warmth of Speech, was only to stir up the Magistrates to put the Laws strictly in execution; and he solemnly protested he intended no Reflection on the Queen, or Her Ministry; that by the Dangers of the Church, he meant only those Judgments, which the

just A  
inflict  
' M  
' the  
' muc  
' lemm  
' Trut  
' littl  
' that  
' I lea  
' viou  
' Admi  
two Pa  
be plea  
plicabl  
servator  
filthy a  
the Lim  
mists, I  
Place c  
one Inst  
" 2.  
" Scan  
" and I  
" shift  
" from  
" Tryal  
" our S  
" Opini  
" put o  
" sons  
" but t  
" All C  
" Churc  
" and R  
" and i  
" thing  
" where  
" that t  
" all Se  
" what  
" tribut  
" Socie  
" Faith  
" sets up  
" mulat  
" dance

just Anger of a provok'd God might be reasonably expected to inflict on so wicked a People.

My Lords, continued Sir Thomas Parker, I am amazed at the Doctor's Solemn Protestations; I will avoid hard Words as much as I can, but if when he calls God to Witness in so solemn a Manner, he should then speak without Foundation of Truth, plainly against his Sermon, and be even then using the little Arts of Evasion, and diverting the Question, instead of that Sincerity which ought to accompany so solemn an Oath, I leave it to your Lordships to give a Name to such Behaviour. Is it possible to say he intended not to reflect on the Administration? Give me Leave to read to your Lordships two Pages in his Sermon, to which I before referred; and be pleased to observe, as I go along, how much they are applicable to unknown Authors, or the Dead, to Algill, the Observer, the Review, or other Writers, that he has made so filthy a Collection out of; or to Atheists, or Dissenters exceeding the Limits prescribed by the Toleration, or to Occasional Conformists, Dissenters too in the main, but when the Occasion of a Place calls them to Church; and your Lordships will have one Instance of his Sincerity in his Solemn Protestations.

2. Secondly, In regard to the World. What a vast Scandal, and Offence must it give to all Persons of Piety, and Integrity, to see Men of Character, and Stations, thus shift and prevaricate with their Principles, and starting from their Religion upon any Occasion of Difficulty, or Tryal, and like the Disciples, flying from, and forsaking our Saviour, when his Life lay at Stake? To see Men's Opinions sit as loose about 'em as their Garments, to be put on, or off, for Convenience? What can unwary Persons conclude from such Tergiversation, and Hypocrisy, but that all Religion is State-Craft, and Imposture? That All Godliness is Gain; and that the Doctrines of the Church lie not so much in Her Articles, as Her Honours, and Revenues? Without doubt, this Modern Latitude, and infamous Double Dealing, as it can proceed from nothing but the rankest Atheism, so it must propagate it wheresoever it goes; and 'tis not to be question'd, but that the Wonderful Increase, and Impudent Appearance of all Sects and Heresies in this Kingdom at present, beyond what was ever known in former Ages, is chiefly to be attributed to it. But this Crime is as pernicious to Human Society, as Religion; for it destroys all common Honesty, Faith, and Credit in the World, and in the place of it, sets up an Universal Trade of Couzenage, Sharping, Dissimulation, and downright Knavery. For, what Dependance can there be upon a Man of no Principles? What



" Trust in Equivocations, Evasions, and Lyes? Nor indeed  
 " could any one be suppos'd so foolish, as to place the least  
 " Confidence in these Men, did they not bait their Hook,  
 " and cover their Treachery with the sacred and plausible  
 " Pretences of Friendship; whereby they are capable of do-  
 " ing much more Mischief, than a Bare-fac'd and profess'd  
 " Enemy. In what moving and lively Colours does the Holy  
 " Psalmist paint out the crafty Insidioufness of such wilely  
 " Volpones? *Wickedness*, says he, *is therein, Deceit and Guile*  
 " *go not out of their Streets. For it is not an open Enemy that*  
 " *has done me this Dishonour, for then I could have born it:*  
 " *Neither was it mine Adversary, that did magnify himself against*  
 " *me, for then peradventure I would have bid my self from him.*  
 " *But, it was even Thou! my Companion, my Guide, and mine*  
 " *own Familiar Friend. We took sweet Counsel together, and*  
 " *walked in the House of God as Friends. There is no Faithful-*  
 " *ness in their Mouths, their inward parts are very Wickedness;*  
 " *their Throats are open Sepulchres, and their Words are smother*  
 " *than Oil, yet be they very Swords. Like Joab, they pretend to*  
 " *speak Peaceably, and smite Us mortally under the Fifth Rib.*

" 3. Thirdly, With regard to a Man's self, it is hard to Distin-  
 " guish whether our False Brethren prove themselves guilty of  
 " more excessive Knavery, or Folly. For whatever these cunning,  
 " temporizing Politicians may think, they will find, after all  
 " their Shuffling and Compliance, that the plain Road of Truth,  
 " Honesty, and Integrity, is both the most Prudent, as well as  
 " the Safest Way they can follow, and that the Wisdom of this  
 " World is as much Foolishness with Men, as 'tis with God.  
 " For certainly there is no Sin that so much Disappoints its own  
 " Ends as This does. Perhaps the Man may obtain the present  
 " Advantage he has in Prospect, by relinquishing his Old Friends  
 " and Principles; but is ever such a Mercenary Convert receiv'd  
 " heartily into the Bosom of his former Enemies? Or are They  
 " ever found so Credulous, and Good-natur'd, as to Forgive, and  
 " believe such an Apostate Cordial and Sincere, and fit to be  
 " trusted in any Matter of Weight, or Importance, who has be-  
 " tray'd his own Party for the little sordid Lucre of a Place, or  
 " Preferment? And is again ready to be Retrograde, whenever  
 " the Wind shall Change, and Veer about? Such a False Bro-  
 " ther may serve the present Turn of his Adversaries, who may  
 " seem, whilst they want the Tool, to flatter and caress him;  
 " but let such a Turn-Coat rest assur'd, he shall meet with Hy-  
 " pocrisy for Hypocrisy; and since He is got upon the Stage,  
 " shall Act his Part, and be hiss'd off when he has done. Such  
 " a wise Game do our Projectors Play, they Barrer and betray  
 " their Friends, only to sell themselves Slaves into the Hands  
 " of their Enemies, who shall treat them with more Insolence,

Disdain

Disd  
 Conte  
 sick  
 from  
 thus  
 is the  
 all bo  
 Who  
 Man  
 to bin  
 Flatter  
 Integ  
 under  
 lieves  
 but is  
 False  
 they a  
 full of  
 selves.  
 Way b  
 fession,  
 Judgm  
 any or  
 must r  
 a State  
 guises  
 Son af  
 withou  
 Repent  
 he cho  
 tion wi  
 their P  
 the Gr  
 so here  
 ways k  
 To go  
 upon the  
 Intent re  
 Preached,  
 find it  
 undertak  
 have fea  
 where elfe  
 ling upon  
 thunder o  
 perswade  
 their Rem

Disdain and Tyranny, than honest Men do with Scorn, and  
 Contempt, if they don't go the whole Lengths of their Party,  
 sick at nothing, tho' never so impious, and absurd, and run  
 from one Extream to a quite Contrary. Thus little, thus base,  
 thus odious, thus contemptible, thus servile, nay thus execrable  
 is the Traytor, and Double-Dealer in the Sight, not only of  
 all honest Men, but the most profess'd Knaves, and Hypocrites!  
 Who cannot but have a Tacit Regard, and Veneration for a  
 Man of Steadiness and Probity, that upon all Occasions is true  
 to himself, and his Cause, is above the Threats, as well as  
 Flatteries of this World, still trusting in his God, and his own  
 Integrity, and Justice, despising his Interest, or Success, and is  
 under all Circumstances like that God, and Religion he be-  
 lieves and serves, without Variableness, or Shadow of Change,  
 but is the same to Day, to Morrow, and for ever. Farther, these  
 False Brethren cannot be more odious to God and Man, than  
 they are to themselves, who are always a Self-Contradiction,  
 full of Confusion, and Perplexity, perpetually haunting them-  
 selves, the worst of Demons, maintaining an irreconcilable  
 War betwixt the outward and inward Man, Conformists in Pro-  
 fession, Half Conformists in Practice, and Non-Conformists in  
 Judgment. Such a Mixture of Inconsistency and Nonsense, that  
 any one that has the least Spark of Conscience, or Reason,  
 must renounce, and detest. But this dismal Effect has such  
 a State of Habitual Hypocrisy, that it quite damps and extin-  
 guishes both, quenches the Holy Spirit of God, and crucifies his  
 Son afresh; and as it finds a Man void of Shame, generally  
 without a miraculous Conversion leaves him incapable of  
 Repentance, and both damns him here, and hereafter; and as  
 he chose it in this World, appoints him in the next, his Por-  
 tion with Hypocrites, and Unbelievers, with all Lyars, that have  
 their Part in the Lake which burns with Fire and Brimstone, with  
 the Grand-father of Falshood, the Devil and his Angels. And  
 so here we leave our False Brethren, in the Company they al-  
 ways keep Correspondence with.

To go on: said Sir Thomas, is that true, that he only calls  
 upon the Magistrates for Justice upon these Offenders? If his  
 Intent really were to exhort the Magistrates, before whom he  
 Preached, to put the Laws in Execution, one would expect to  
 find it vehemently pressed under the fourth Head, where he  
 undertakes to shew what should be the Result of all; but I  
 have searched carefully, and can find nothing there, nor any  
 where else, of any such Exhortation. There is indeed a Cal-  
 ling upon the Pastors of the Church, who were not present, to  
 thunder out Anathema's against Schism; which could not be to  
 persuade those Pastors that did not hear him, but to condemn  
 their Remissness to the People that did. But all the rest is to  
 the

the People, to adhere to the Fundamental Principles, to watch against, MARK AND AVOID, those that desert them; to give Place, BY SUBJECTION, no not an hour; to despise sneaking shuffling COMPLIANCES, and put on their BRAVEST Resolutions which the PRESENT Case requir'd; there is a denouncing Woe to the fearful Heart and faint Hands, a shewing the Perils and low Estate of the Church, that her Sons deserted her, that she lay bleeding of her Wounds, that her Adversaries were CHIEF, and her Enemies AT THAT TIME prosper'd. Is this the Language of one that is only, laying before Magistrates the Abuses of a few, inferior Persons, within their Power, subject to their Authority, and whom they could easily crush, and desiring those Magistrates to correct them? In short, is it calling upon the Magistrates, or upon the People, for Justice?

Again: He solemnly declares his Meaning in the Sermon to have been, that the Dangers of the Church are only such as arise from the Sins of the Nation, but not in the least from Her Majesty and Her Administration. Let any one cast his Eye upon the Sermon, or upon the Dedication of that Preach'd at Derby, and try how the several Expressions suit this Scheme, and he will see the Dr. had nothing of it in view then; but that 'tis contriv'd since, for him to pretend now. Sir Thomas urg'd, that what Dangers of the Church and Constitution he meant in the Sermon, was too plain to be shifted off by a Protestation; for he tells expressly what they are, and from whom; from Men, whom he describes as being in the Administration, who undermine and betray the Church, and enable others to destroy it; they are such as he apprehends, not from the Hands of God, but from the Treachery and Violence of Men. That accordingly, the whole tends, to stir up Anger, Indignation and Fury against those Men, not to move Humiliation and Prayers to God to avert those impending Judgments. But possibly he might expect to be understood, not of an immediate Vengeance of God, or his delivering us into the Hands of a foreign Enemy, but his permitting wicked Men at home to overthrow the Church. That if we take it to be so; this solemn Protestation is a mere Evasion, and a shifting the Question. That 'tis true, the Overthrow of the Church and Constitution is the heaviest Judgment can befall us, and if it does happen, must be accounted the Act of Divine Justice punishing us for our Sins. All National Punishments are certainly the more immediate Acts of the Justice of Providence; and the Instruments made use of to bring them about, are very often wicked Men. That the Prophane Writers, the Atheists, the Abusers of the Toleration, the Villifiers of Holy Orders, of the Church, and of Christianity, and other wicked Men, may have given great Provocations to Almighty God, and if he should

should  
upon  
still th  
Judgm  
the Chu  
sing t  
to the  
Hands  
Judgm  
ger but  
Danger  
whethe  
immedi  
answeri  
from th  
Church  
Actions  
Queen  
they are  
tion for  
the Chu  
his Sole  
That  
Lordshi  
and Par  
of the e  
my Lon  
that the  
' Serter  
' stroy,  
' en the  
let the  
make, b  
deavour  
and conf  
As to  
ry little  
would t  
somethin  
said upon  
my Mea  
As for  
pretend  
without  
it read.  
Printing  
first, and  
charish,



should say so great as might give just Cause to fear a Judgment upon us, that may endanger the Church and Constitution, yet still the Question was, what Hands were about to execute this Judgment upon us; that they charg'd the Dr. as representing the Church in Danger under Her Majesty's Administration, as suggesting that Her Majesty's Administration, in Church and State, tends to the Destruction of the Constitution; and consequently, that the Hands of those in the Administration are about to execute such Judgment; And he solemnly protested he apprehended no Danger but from God. That this was trifling; for every such Danger is from God, and his Judgment, whoever they be, whether Her Majesty, and Her Ministry, or any others, that immediately bring it upon us. That this therefore, instead of answering, was evading, and diverting their Lordships View from the Persons he charged to be working the Ruin of the Church, to God the Supreme Director and Over-ruler of all the Actions and Designs of Men. As if the Reflection on the Queen and Her Administration were the less for saying, that they are the Instruments in the Hand of God to scourge the Nation for its Sins, and to execute his Vengeance in overthrowing the Church and Constitution. So that he was afraid this part of his Solemn Protestation was either false, or evasive, or both.

That as to what he (Sir Thomas Parker) offer'd to their Lordships on the Clause of keeping up Distinction of Factions and Parties; he desired to add the weight of one Authority out of the excellent Sermon Preach'd by the most Reverend Prelate my Lord Archbishop of York, and produced by the Doctor: that the words were these: 'They are Factionous, they are Setters up and Abettors of Parties, who endeavour to destroy, or unsettle, or disparage, or in the least hurt or weaken the Government and the Laws as they are establish'd; let the Principles on which they go, or the Pretences they make, be what they will. And whether the Dr. had not endeavoured in the highest Degree to Disparage the Government, and consequently to weaken it, their Lordships would judge.

As to the other Clauses, continued he, they have offered very little, and I will not repeat what I said before. Only I would take notice, that under the Head of stirring up to Arms, something was urged by the Council, in relation to what I said upon some Texts of Scripture, but so intirely mistaking my Meaning, that I think my self unconcerned therein.

As for perverting Scripture: The Council would seem to pretend something or other to be the Mistake of the Printer, without saying where the Mistake is, or how they would have it read. I'll tell your Lordships what the Mistake is, it is Printing the second Chapter of Lamentations instead of the first, and misplacing the References to Lamentations and Zachariah, which I scorned to take advantage of, and in what

I said, rectified. But this serv'd for a Shew of an Excuse. They said something more on this Head, but not to what was my Objection; but promised the Doctor should clear all. My Lords, I think I might reasonably here put an end to the Trouble I am giving your Lordships; but that I apprehend some things which fell from the Doctor, and which have not fallen in my way already, may be proper to be taken notice of, so far as concerns what is within my Province. I own, his Speech was extremely well Compos'd, fitted not so much to inform, (his Case would not bear that) as to move (wherein his Hopes were most justly placed;) not so much to state the Question and clear it, as to divert it; all the plausible Topicks were labour'd, and all the Arguments that press'd hardest upon Him, and most requir'd an Answer, pass'd over in Silence; the whole fram'd to give the Passions Mastery over Reason, and to induce a Perswasion that so good, so excellent a Man, as he painted himself, that has so many Virtues, so great Sincerity, so true a Zeal for Religion, could not be guilty of this Charge, tho' plainly prov'd upon him; the Protestations were strong and hearty, and such as will read well amongst the People, clear of all those qualifying Clauses, that might perhaps have made it suit better with the Truth of his Case, but would have had the Inconvenience of giving to the Readers Suspicion of Guilt; an agreeable Concern for Religion and Virtue ran thro' all, which will always strike an Audience, and seems intended to make some Amends for the Rage, and Fury, and Zeal for Party, in the Sermon. I only wish, for the Doctor's Sake, the Composer had preserv'd a little more Regard as well to what was fit to be said here, where the Truth of the whole Matter is known, as to what was fit to be said abroad, and given it a little more Resemblance of the Doctor and his Sermon; that he had not calculated so many parts of it for an Appeal to the People, and to obtain their Acquittal upon his own Word; and I must needs say for my self, (tho' my liking or disliking it is of very little Moment) had it had fewer and less Solemn Appeals to God Almighty, or more Truth, or I known less of the Matter, I should have lik'd it much better.

He begins with making his Order, the Church and Christianity to be concern'd in the Cause; intending it, I presume, to be understood abroad as a Charge upon his Accusers, that in his Person they arraign all these. But I shall not pretend to follow him throughout the whole Speech, only point out some Fallacies in it. Sir Thomas Parker own'd, That Great Regard is to be had to the Word, much more to the solemn Declaration, much more to the Oath of a Clergyman, when he

is free  
the Ro  
cape fr  
telling  
nor his  
quit all  
Wretch  
therefor  
had: tau  
what he  
He un  
lity of  
would p  
more com  
read, or  
might ha  
or why;  
more for  
lar Points  
selves at  
then pleas  
the Highe  
That the  
were not  
made the  
and shew  
Charge.  
extend to  
good the  
That he  
against him  
that Sense  
should tak  
it was a F  
That th  
his Books;  
that becau  
faming and  
Meaning w  
Crime of D  
should not  
else that he  
have under  
He own'd l  
be more shy  
putation;  
mitely the m

is free and unbiass'd. But when he stands in Judgment; when the Rod is over him, when there is only one way open for Escape from the just Punishment due to his Crimes, by protesting his Innocence, neither his *Ward*, nor his Declaration, nor his Oath is to be regarded. That such a Method will acquit all that are accus'd; and the less Conscience any such Wretch has, the surer and easier will be his Escape. And therefore their Lordships would judge by what the Doctor had taught the People, what he had publish'd, and not by what he pretended to be his Intentions in doing it.

He urged, that the Doctor made Complaint of the Generality of his Charge, that it was such, that he knew not where it would point. But suppose the Commons had follow'd the more common Way, and set forth all the Passages they had read, or the whole Sermon and Dedication verbatim, as they might have done without pointing out what they objected to, or why; had that left him less in the Dark? It was therefore more for his Advantage that they should tell him the particular Points they would insist upon, than if they had left themselves at Liberty at the Tryal to make as many Points as they then pleased. That the Doctor laid it down for a Rule, That the Higher the Charge is, the more clear ought the Proof to be. That the Proof here was indisputable, the Sermons and Books were not denied to be his: And these were all that strictly made the Evidence in the Case; the rest was but Argument, and shewing them to be Libellous in the Particulars in the Charge. But take Proof in a larger Sense, so as that it may extend to the Reasoning upon the Evidence, and to the making good the Charge, as in this Case, was perhaps not improper. That he (Sir Thomas) had no Reason, in respect of this Charge against him, to Contest his Rule, because the Proof of it in that Sense was clear too. But yet, for the sake of Justice, he should take the Liberty to say, that, as apply'd to this Case, it was a Fallacy.

That this Sort of Proof arises from the Sense and Doctrine of his Books; And, he presumed, the Doctor could not hope, that because this was charged to be so high a Crime, as Defaming and undermining the Government, any more favourable Meaning was to be put upon his Words, than if it were the less Crime of Defaming a private Person; or that their Lordships should not understand in this Case, that which every Body else that heard it understood, and which their Lordships would have understood, if it had not indanger'd the Government. He own'd he could not comprehend why their Lordships should be more shy of Defending the Government, than a private Reputation; or most afraid of Censuring that which was of infinitely the most dangerous Consequence, if it should escape uncensured.



*penfured.* That on the contrary, in the cafe of thofe Things which tend to the *Overthrow* of the *Conftitution*, where the Rules and Methods of inferior Courts cannot apply a proper Remedy, their *Lordfhips* upon the Impeachment of the Commons may. Let the *Contrivance* lye never fo deep, be never fo artfully wrought, when it ftrikes at our *All*, it would be *abfurd* to fay, the Commons may not bring it to the Bar of Juftice, and their *Lordfhips* prevent its dreadful Effects, and give it the Punifhment it deferves : And that without that *Power*, their *Conftitution* were *weak* and *precarious*.

That the Doctor obferved in what manner the Charge againft him was fupported, not by exprefs Sentences of his, but by Inferences, and joining independent Sentences, (as to that part Sir Thomas Parker had confider'd it already;) and he feemed to expect, that if he were Guilty of Suggefting and Maintaining the Things charg'd upon him, the *Passages* might as eafily be pointed to in his Sermon, as the *Doctrine* in thofe he produced, and that bare reading, without a Comment, would convict him. No, my Lords (continued he) Even Doctor Sacheverell is not yet arrived at that Pitch, as to *Arraign* the Government as directly and openly, as to preach a General Doctrine. *This Fallacy feems very grofs.* For is it reasonable to think, that a Man that intends to unhinge the Government, to expofe an Administration, to fire the People, to raife Sedition, fhould fpeak directly and plainly? No he is to cover his Design even from thofe he is to draw in, he is to pretend Zeal for Religion, infinuate himfelf by degrees, not fhock his Hearers at firft with a Declaration againft a Queen they are fond of; he muft pretend Zeal for Her Majesty, to preferve their good Opinion of himfelf, while he is doing that which by degrees will alienate their Affections from Her. *This he muft do*, tho' there were none to punifh, and to prevent the Dashing his own Hopes of Succefs. But when he knows that the Power of the Administration he is to Revile and Rail at, is over him, and at hand; that is a farther Reason for Caution: Therefore in fuch Difcourfes, dark Phrafes are to be ftudied, confus'd Descriptions will be frequent, with a perpetual Perplexity of Expression, between faying what his *Rancour* will not let him withhold; and withholding what his Fear will not let him fpeak out. Schemes of Speech are to be contriv'd, that have two Meanings; the one more obvious and plain, to have its full Effect upon the People; and the other (that will occur to no Body elfe) a Referve, to be offer'd to a Court of Juftice. This is naturally to be expected in Seditious Difcourfes. But if your Lordfhips will pafs this by, which has fpoke infinitely more plain and audacioufly than any other (I believe) that ever fo publickly dar'd Authority, your Lordfhips may expect

pect to  
that ha  
at all.  
from hi  
Discou  
are only  
Sir 7  
he was  
figh, a  
fon tha  
them a  
proteste  
that Pr  
which l  
the beft  
tue or  
der'd hi  
greeable  
Loyalty  
now app  
before t  
were to  
Her Ma  
mitted  
which t  
led to it  
Doctrine  
and Sub  
Doctrine  
ther No  
flew'd t  
these he  
accounta  
for the P  
was juft,  
right to  
tion of t  
that Supp  
any other  
that his  
pretended  
plain Co  
Sir Thoma  
this? W  
was he ri  
dience, a  
he not let

pect to see a *new Discourse* from the Doctor, where *Sedition* that had but a very *thin Disguise* in this, shall there have none at all. And this may serve for an Answer to what is urg'd from his zealous *Expressions for the Queen*; for if the *whole Discourse* have quite another *Tendency*, it is plain that those are only parts of the *Blind and Disguise*.

Sir *Thomas* said further, That the Doctor complain'd, that he was *Accused for what he had omitted*, as if done with *Design*, and his *Silence was made Criminal*. That he was the Person that took Notice of his *Omissions*, but did not make them a part of his Charge. Indeed, when he in his Answer protested (as now he did more solemnly) his Loyalty, he took that Profession into Consideration, as a part of his Defence, which he ought to take notice of. That he had learnt that the best way to try the Truth or Falsity of Pretenders to Virtue or Religion, was by their Fruits. Accordingly he consider'd his Management of his Text in this Sermon, how agreeable it was to such Profession, and to see what Fruits of Loyalty he could find there. And their Lordships would now apply those Observations to his solemn Appeal to God before their Lordships, that his *Intentions in that Sermon* were to exert his BEST ENDEAVOUR for the Security of Her Majesty. That he shew'd their Lordships, that he omitted the only true Notion of *False Brotherhood* in State, which took in the Non-Jurors and Dissaffected, tho' his Text led to it; that he had omitted to make the proper Use of the Doctrine of *Passive Obedience*, which was to press Obedience and Submission TO HER MAJESTY, tho' the Day and the Doctrine seem'd both to require it. That he had set up another Notion of *False Brotherhood*, which he (Sir *Thomas*) shew'd to be, upon his own Principles, wrong. That by these he try'd his Pretences, and shew'd this Behaviour unaccountable, if they were sincere: but if he were at Heart for the Pretender, he made it manifest that all his Procedure was just, nay that even his Notion of *False Brotherhood* was right to him that was of that Mind, and that his Application of the first of Lamentations was exact and fine upon that Supposition, which is never to be justify'd or excus'd on any other. That this he then press'd no farther, than to shew that his Sermon had in it no Fruits of that Loyalty which he pretended: But he might make a farther Use of it now, as a plain Contradiction to his solemn Declaration. For, added Sir *Thomas Parker*, has he pretended to give any Answer to this? Was I wrong in my Notion of *False Brotherhood*, or was he right in his? Has he made that Use of *Passive Obedience*, as to press Submission to the Queen from it? Has he not let the Non-Jurors escape, tho' his Text led him to

speak

speaking against them, and advanced a false Notion *meerly* to fall foul upon those that justify the Resistance in the Revolution, and cut off thereby every Colour of Title to the Pretender? Or does he offer to reconcile that Proceeding with his Pretence? No—And then, tho' bare Omission were not a Fault, yet I may now ask, is that Omission consistent with his Protestation of an Intention to exert his best Endeavour for Security of the Queen? Did he exert, or intend to exert his best Endeavours, that omitted things so very obvious? Nay, where does he shew that he has exerted any such Endeavour at all? On the contrary, he has fallen into the Methods us'd, by those that are against Her Majesty, to undermine and weaken her Title, and to disparage Her Government, and to render it odious to the People.

He Complains, continued Sir Thomas, *That where he presses Obedience to the Queen, we say he means the Pretender.* My Lords, It was one of the Omissions that I urg'd against him in the Manner I have just mention'd, that he no where presses Obedience to the Queen. Does he think it had not become him to shew where he did press it, if he could? Or what Name does he think is to be given to his taking it for granted, that he had done that, which it was expressly charged he had not done, and which he cannot shew he has?

He seems to complain of some Expressions that have been us'd against him by the Managers, as not becoming this place, or his Order. My Lords, I hope we shall always demean our selves with just Respect towards your Lordships. And as to him, he is to consider, that there is a wide Difference between what a private Man says of others, much more of his Governors, in Conversation, or in popular Assemblies, and what is spoke of an accus'd Person at his Tryal. In the former Case, it is not fit to speak ill of them, that which is true; in the other, the Crime is to be represented as it is, and the Person is to have no Respect paid him that shall any way tend to prevent shewing the full Enormity of the Crime in all its true Colours; and if any thing has been said, which otherwise his Orders would have secur'd him from; let him remember that his Crime deprives him, at this time, of that Protection, where 'tis one Aggravation, that he has abus'd his Holy Function; which it was the Business of the Managers, both to say and to make out.

He Complains that there is no Allowance made to a Minister rebuking Vice and Irreligion with Zeal; when he happens thereby to be carry'd into an Expression not well guarded. My Lords, His Zeal apparently is levell'd more at Persons than Crimes, he mentions not False Doctrines to confute them, nor the Faults of those that hear him, that they may amend them; but

but rational  
ons of  
Faults  
is amiss  
ing from  
and pre  
Orders  
various  
ing, Ge  
Jealous  
ment.  
Religion  
ons in  
Occasion  
I think  
out of  
ought to  
since his  
Force w  
greatest  
Politick  
preach F  
vereign,  
Thomas P  
Doctor's  
of Ham  
cause, v  
the best  
ties for  
der'd, th  
he had fi  
Security  
hoped he  
for them  
he had sp  
himself i  
was, tha  
nity of th  
thing tha  
where he  
but an Her  
That th  
Head abo  
Holy Scrip  
give Satis  
his Person  
could not



but ralls at Persons absent to expose them, and raise the Passions of his Auditory against them; his Zeal leads to hunt out Faults, for an occasion of Complaint; to magnifie whatever is amiss, and charge all home upon the Government, departing from the Office of an Ambassador of the Prince of Peace, and preaching Sedition and Rebellion. And in such Case, his Orders are so far from being an Excuse that they are an Aggravation; when he, who ought to preach Peace, Long-Suffering, Gentleness and Submission, foments Divisions, creates Jealousies, heightens Animosities, and disturbs the Government. But where there is a Sermon truly tending to promote Religion and Virtue, God forbid that any incautious Expressions in it, tho' justly exceptionable, should be laid hold as an Occasion to punish the Preacher; it has not been done, nor, I think, ought to be. Yet when a Minister presumes to go out of his Way, and to meddle with the Government, he ought to be more than ordinarily wary in his Expressions, since his Character gives his Reflections greater Weight and Force with the People, and his Errors will therefore do the greatest Mischiefe. And this Man that professes to preach Politicks, and laughs at those that tell him 'tis his Duty to preach Peace, and is inflaming the People against their Sovereign, must not think himself intitled to that Favour. Sir *Thomas Parker* own'd he was very well pleas'd to hear the Doctor's Declaration in Favour of the Succession in the House of *Hannover*, and his earnest Prayer for perpetuating it: Because, whenever our Sins shall be the Occasion of our losing the best of Queens, the Security of our Religion and Liberties for our Posterity depends upon it. But he a little wonder'd, that the Doctor appeal'd to God, that in this Sermon he had sincere Intentions to exert his best Endeavours for the Security of the Queen, and the Protestant Succession. He hoped he was hearty for both, but sure, his best Endeavours for them were not exerted in this Sermon. As for the Queen, he had spoke already. And as for the Succession, he own'd himself intirely at a Loss, in what part of the Sermon it was, that he had exerted any Endeavour at all for the Security of the Protestant Succession; For he did not find any thing that he apprehended could concern it, except that Place where he ridicul'd the Notion of any Right to the Crown, but an Hereditary Right.

That the COUNCIL having in great measure declin'd that Head about *Wresting and perverting divers Texts and Passages of Holy Scripture*, and seeming to promise that the Doctor should give Satisfaction therein. He was in great Expectation of his Performance there, but was miserably disappointed, and could not but be in some Confusion for the Doctor; tho' he seem'd

seem'd to have intire Satisfaction in himself, That his Answer put in before their Lordships to the Charge of the Commons, was throughout evasive and reflecting; but in this part of it there was a Master-piece of Equivocation and Malice, to avoid either confessing or denying the Charge, and to cast an *Odium* on the Commons, as Persecutors of the Clergy. The Words were these: ' Hard is the Lot of the Ministers of the Gospel, if when they cite the Word of God ' in their general Exhortations to Piety and Virtue; or in ' the Reproof of Mens Transgressions, or where they are lamenting the Difficulties and Conflicts with which the ' Church of Christ, whilst Militant here on Earth, must always struggle; the several Texts and Passages by them cited, shall be said to have been by them meant of particular ' Persons and Things, and shall be considered in the most criminal Sense, and be made by such Construction, one ' Ground of an Impeachment for high Crimes and Misdemeanors.

These, said Sir *Thomas*, are the Words of his Answer; and give me Leave to ask, do they deny, or do they confess the Charge? Neither — But are an Appeal to the Passions of the People, amongst whom it has been so industriously and irregularly dispers'd. Yet I dare say every unwary Reader took the Doctor to have deny'd this Charge, and felt some Indignation against the Commons for making it. My Lords, He has now come upon his Tryal, he has been charg'd home upon this Head. And permit me to say, there cannot be a heavier Charge upon a Minister of the Gospel, nor more affecting to any one that has not abandon'd all Pretence to Common Honesty. Give me Leave to mention some of those solemn Words, wherein a Priest receives his Orders. " Receive " the *Holy Ghost*, for the Office and Work of a Priest in the " Church of God; and be thou a faithful Dispenser of the Word " of God, and of his Sacraments, in the Name of the Father; " of the Son, and of the Holy Ghost. This Crime therefore when committed by a Priest, is betraying that sacred Trust reposed in him with his holy Orders; 'tis forging the Authority of God, 'tis assuming a Superiority over the inspir'd Writers, if not over Him that inspir'd them. The Doctor therefore that is sensible (as he says) of the Load of Guilt and Infamy the Charge of the Commons lays upon him, and whereof this is surely the heaviest Part; What does he say to this? He says, if he be guilty he is to answer it at another Tribunal, where he is to be judged by those Scriptures. My Lords, So he is to answer at that great Tribunal for every Branch of this present Charge. But is this all? Is he negligent of his Reputation in no other Instance but this,

that

that is  
himself  
the Co  
of doin  
Sacred  
Church  
Fate of  
of the  
owns a  
said) th  
cerned i  
the Rep  
if he be  
this Sul  
your Lo  
way, sho  
pearance  
ry, not  
most sole  
cature or  
with wh  
which he  
ders, in  
bly, shou  
his Lips,  
of his He  
this black  
the Since  
himself i  
God and  
such Affu  
face out f  
ble with  
own Conf  
lemn Pro  
Point, lea  
taken the  
alter wha  
your Lord  
clusion; t  
(for the D  
Case) the  
Orders, t  
Protestant  
Quiet of  
Sovereign  
tion, the

that is the tenderest and most affecting? Or will he thus give himself up for a Falsifyer of the Word of God, and yet have the Confidence to hope for any Reputation, or any Capacity of doing good in preaching it? Is it thus the Dignity of the Sacred Order is to be supported? Is this the Cause of the Church, and of Christianity? And are they wound up in the Fate of an Impostor and false Prophet? Pardon the Warmth of the Expression; his not saying a Word to the Charge, owns all this. My Lords, It is true (as the Doctor has said) the Sacred Order, the Church and Christianity are concerned in this Cause; but 'tis, that they may be clear'd from the Reproach brought upon them by this unhappy Man. But if he be self-condemned, if he dare not open his Mouth on this Subject, how dare he declare his Hopes, that those of your Lordships, whose Studies more particularly lead that way, should acquit him? My Lords, He has made an Appearance before your Lordships in a manner very extraordinary, not only as in a Defence of a Prosecution, but as in a most solemn Act of Devotion, before the most August Judicature on Earth, appealing to a yet greater in Heaven. But with what Sincerity! what Candor! or what Sense of that which he has done! I am amazed, that a Person in Holy Orders, in his distinguishing Habit, before this awful Assembly, should dare to take the tremendous Name of God into his Lips, and appeal to him for the Sincerity and Integrity of his Heart, at that very time when he stands charg'd with this black Crime, and is neither able to repell it, nor has the Sincerity and Honesty to repent, to take Shame upon himself in the most publick manner, and to ask Pardon of God and the World for it. But while he can thus, with such Assurance as your Lordships have seen, and now see, face out such a Crime, and be equivocating and playing double with your Lordships, with God Almighty, and his own Conscience; what Regard is to be had to his most solemn Protestations? His manifest Insincerity in this plain Point, leaves him no Credit in any thing; and his having taken the Abjuration Oath, gives me not the least Difficulty, after what I have observ'd of his more solemn Oath before your Lordships. My Lords, said Serjeant *Parker* in the Conclusion; the just Veneration we owe to the Divine Majesty, (for the Doctor's Behaviour has made that now part of the Case) the Honour of Christianity, the Church and its Holy Orders, the Security of the present Establishment and the Protestant Succession, the Safety of Her Majesty's Person, the Quiet of Her Government; the Duty we owe to Her as our Sovereign, the Gratitude for Her most gracious Administration, the Honour of our Prelates, the Obligations we are un-



der to prevent Seditions and Tumults, to undeceive the People, to quiet the Minds of the Protestant Dissenters, and convince them that the Toleration allow'd them by Law is not to be taken away from them, to secure at present, and transmit to our Posterity (as far as in us lyes) our Religion and Liberties, and vindicate the Revolution (which is the Foundation on which they stand) and the Glory of our late Royal Deliverer, to whom under God we ow'd it; and to banish Sedition from the Pulpit, which is, and ever ought to be sacred to Divine Purposes, *Require* the Commons to demand your Lordships Judgment on this Offender. But, my Lords, he observes so far rightly, that his Punishment is not all we aim at. No, my Lords,—What we expect from your Lordships Justice, is, the Supporting our Establishment, the preventing all Attempts to sap its Foundation, and answering those other great Purposes I have mention'd; and I hope the Clergy will be instructed, not to preach the Doctrine of Submission in such manner as to prepare the way to Rebellion, but to follow the Advice and Example of my Lord Archbishop of York, rather than tread in the Steps of Doctor Sacheverell. And we doubt not, but that those to whom our Proceedings have been so industriously misrepresented, will see and own the Favour shewn to this Man, in the manner of the Charge; and our Care for the Honour of the Church and Clergy, in singling out for an Example for these impious Attempts against his Country, him that now plainly appears the SHAME of his Own Order.

Sir Thomas Parker having made an End of his Speech, the Earl of Nottingham said, My Lords, I desire your Opinion, whether I may propose a Question to the Judges here. Whereupon the Earl of Sunderland, having moved to adjourn, the Lords adjourned to their House above, and being returned, and seated as before, Proclamation was made for Silence.

*Note, During this Adjournment, the Lords on Debate agreed, That the Question should be proposed in Westminster-Hall.*

Lord Nottingham. My Lords, The Question I humbly propose to your Lordships, that my noble Lord on the Wool-lack may propose to the Reverend Judges, is, Whether by the Law of England, and constant Practice in all Prosecutions, by Indictment or Information for Crimes and Misdemeanors by Writing or Speaking, the particular Words, supposed to be Criminal, must not be expressly specified in such Indictment or Information.

I t  
to as  
ther  
fecuti  
mean  
posed  
Indict  
Th  
Lovell  
and b  
Word  
ought  
ment.  
Mr.  
the La  
ons, b  
nors b  
to be  
Inform  
Mr.  
with n  
Mr.  
Mr.  
It is  
Words  
Mr.  
on wit  
Mr.  
Mr.  
tainly f  
Lord  
Lord  
pinion,  
specifiec  
Then  
Thos  
little co  
of no les  
But it  
Opinion

The

Then the Lords were moved to adjourn, and accordingly adjourned to the House of Lords; and being returned, and seated, as before, and Proclamation made for Silence, the Lord Chancellor said,

I take it, the Question that your Lordships are of Opinion to ask the Judges for them to give an Answer to, is, Whether by the Law of England, and constant Practice in all Prosecutions, by Indictment or Information for Crimes and Misdemeanors by Writing or Speaking, the particular Words, supposed to be Criminal, must not be expressly specified in such Indictment or Information?

This Question being thus put to the Judges, Mr. Baron Lovell said, My Lords, I have always taken it to be so, and by constant Experience we have practis'd it so, that all Words and Writings, which are supposed to be Criminal, ought to be expressly mentioned in the Information or Indictment.

Mr. Justice Dormer. My Lords, I am of Opinion that by the Laws of England, and constant Practice in all Prosecutions, by Indictment or Information for Crimes and Misdemeanors by Writing or Speaking, the particular Words supposed to be Criminal ought to be specified in such Indictment or Information, in the Courts of Westminster-Hall.

Mr. Baron Bury. My Lords, I am of the same Opinion with my Brothers.

Mr. Justice Tracy. My Lords, I am of the same Opinion.

Mr. Justice Gould. My Lords, I am of the same Opinion. It is our Practice in the King's Bench, and we specify the Words in the Indictment, or it is Cause of Demurrer.

Mr. Justice Blencowe. My Lords, I am of the same Opinion with my Brothers.

Mr. Justice Powys. My Lords, I am of the same Opinion.

Mr. Justice Powell. My Lords, The Law of England is certainly so.

Lord Chief-Baron. My Lords, I am of the same Opinion.

Lord Chief-Justice Trevor. My Lords, I am of the same Opinion, that by the Laws of England the Words ought to be specified in the Indictment or Information.

Then the Lords adjourn'd to their House above.

Those who were for Punishing Dr. Sacheverell were not a little concern'd at this unexpected Difficulty, which seem'd of no less Consequence than to baffle the whole Prosecution: But it being Suggested that the Judges had deliver'd their Opinions, according to the Rules of Westminster-Hall, not

according to the usage of Parliament, the Lords, on the 11th of March, resum'd the Debate about the Question proposed by the Earl of Nottingham, (the Queen being present) and at last resolv'd, ' That they would proceed to the Determination of the Impeachment of Dr. Henry Sacheverell, according to the Law of the Land, and the Law and Usage of Parliament : and appointed a Committee to search for Precedents, which they did accordingly on Monday the 13th of March.

March 14. The next day, they Proceeded in the same Affair, and found a Parallel Case to Dr. Sacheverell's Impeachment, which was that of Dr. Manwaring, in the Reign of King Charles the First. Wherein the words for which he stood Impeach'd by the Commons were not expressly mention'd in the Articles ; of which Precedent they made their Report to the House : And a Debate arising whether a Question should be stated ? It was propos'd to adjourn the House. Then the Question was put, whether the House should be now Adjourn'd ? Which was resolv'd in the Negative.

**Dissentient.**

R. Ferrers,	Buckingham,	Chandos,	Albarnham,
Abingdon,	Poulet,	Osborne,	Ormonde,
Beaufort,	Dartmouth,	Leimpster,	Conway,
Dentleigh,	Guernsey,	Geo. Bath &	Stawell,
Jo. Ebor.	Wemyss,	Wells,	Mar,
Berkshire,	Scarborough,	Northampton,	Howard,
Weymouth,	Nottingham,	Berkeley Str.	Guilford,
Leigh,	Rochester,	Willoughby Br.	Plimouth,
Staffex,	North & Grey,	W. Cestriens,	Anglesey,
Lexington,	N. Duresme,	Suffolk,	H. London,
Hamilton,	Seafdale,	Haverham,	Thanet,
Ferrey,	Weston,	Northesk,	Tho. Roffen.
Craven,	Leeds,		

Then after further Debate, the Question was put :

That by the Law and Usage of Parliaments in Prosecutions, by Impeachments for High Crimes and Misdemeanours, by writing or speaking, the particular Words, supposed to be Criminal, are not necessary to be expressly specified in such Impeachments.

It was Resolved in the Affirmative.

**Dissentient.**

Buckingham,	Hamilton,	Dartmouth,	Tho. Roffen,
Jo. Ebor,	Berkeley Str.	Mar,	Geo. Bath &
H. London,	Northesk,	Haverham,	Wells.

I. Because



I. Because we conceive the Law of the Land, is as much the Rule of Judicature, as it is in Inferiour Courts of Justice; and since by the Opinion of all the *Judges*, in all Prosecutions by Information or Indictment, for writing or speaking, the particular Words supposed to be Criminal, must be expressly specified in such Information or Indictment; and that this is the Law of the Land confirmed by constant Practice, we conceive, that there is the same Reason, and Justice, for specifying in *Impeachments*, the particular Words supposed to be Criminal; for otherwise a Person who is Innocent, and Safe by the Law out of Parliament, may nevertheless be condemned in Parliament.

For we conceive, That some Reasons of Law and Justice, why the Words supposed Criminal must be specified in Informations and Indictments may be, that the Party accused may certainly know his Charge, and be thereby enabled to defend his Innocence, that the Jury may know it too, and be enabled thereby the better to apply the Evidence given by the Witnesses, to the Matter of such Charge, and that the Judges themselves may the better judge of the Nature of the Crime, and of a Punishment *Adequate* to it, which in Cases of Misdemeanours, which are Indefinite and Innumerable, must extremely vary, according to the heinousness of the Offence; and finally, That the House of Lords, upon Complaint to them, may also Judge, whether the Fine, which is usually one of the Punishments for Misdemeanours, do not exceed the Demerit, especially since by the Bill of Rights, exorbitant Fines are declared to be Illegal, which Reasons seem to be fully as strong in the Case of Impeachments, 'As in Indictments and Informations; for the particular Words are as necessary to enable the Lords, to determine uprightly and impartially, as the Jury or Judges, and as necessary for the Defence of the accused here as in the Courts below; and if there were to be a Difference, It seems more necessary in this High Court: For the weightier the Prosecution is, the more need has an unfortunate Man of Indulgence, and all lawful Favour; and surely there cannot be an heavier Load upon Man, than an Accusation by all the Commons of Britain.

I. ' We do not Remember any Precedent insisted on for the maintenance of this Resolution, save only the Case of Dr. *Manwaring*, which we conceive could not warrant this Resolution: For, First, the Words charged upon him by the Commons Declaration, were not compared with the *Sermons* tho' it was desired, and consequently, no Lord could say, they were not the Words of the *Sermons*, and therefore

upon such Uncertainty, we conceive we could not ground a Positive Resolution.

II. The Charge upon him taken out of his *Sermon*, on the 4th of May 1628. Seems to be the very Words by him spoken; for they were attested by Ear Witnesses, who surely never were, or could be admitted to attest their own Conjectures of the Scope of a *Sermon*; and not specify the very Words; for that would be to make the Witnesses to be the Judges.

Besides in such a Case as this; where the Party did not insist upon any Legal and just Exceptions, of which he might have taken Advantage; if he had made his Defence, which he did not, but Submitted, and begged Pardon, this ought not to be looked upon as a Precedent for Authority to Justifie the Illegality, of the Form of that Impeachment.

III. But altho', this Precedent were full and Express to the Point Resolved; we humbly Conceive that one Precedent is not Sufficient to Support a Law and Custom of Parliament, nor Consequently a Resolution declaring it; for surely there is great difference between a single Instance, and a Law and Custom.

IV. Since we Conceive that in all the Precedents, at least that have appeared to us for Four hundred Years, of the Prosecutions in Parliament, the Particular Words charged as Criminal, have been Constantly expressed in the Article, or Declarations of Impeachment.

\* *Exilium Hugonis de Spencer Patris & Filii*; Edw. 2. The First Article was for making a Bill in Writing, the Tenor whereof, was particularly Set forth.

*William de la Pool* 6. Art. 28 Hen. 6. was for words Spoken by him, in the Council in the Star-Chamber; (*Viz.*) That He said, he had a Place in the Council-House of the French King, as he had here, and was as well trusted as he was here, and could remove from the French King, the Priviest Man of his Council, if he would.

Lord Finch,

The Opinions, he delivered are set forth in *hac Verba*, as also the times when he delivered them. 1640. Art. 4. 5.

Another Opinion delivered by him in the Exchequer Chamber, and Western Circuit, is set down in his Express Words. Art. 7.

Dr. Cofens.

He is Charged with Words delivered in a *Sermon* at *Durham*, the Words were these, The Reformers, &c. 1640. Art. 11.

\* *Vid.* This Case at large in Sir Simon Harcourt's Speech, in the Tryal.

Char-

Charges him with Words in like manner, the Words were these, the King, &c. *Art. 19. 1641.*

*Berkley.*

The Words charged upon him, are Expressly mentioned, *Art. 1. 4, 5, 6.*

That he Subscribed an Opinion in *hac Verba*, which are specified.

The matter therein charged, tho' of Record was Copied and delivered with the Articles.

The Words spoken and the Place Expressly set forth. *Art. 7, 8.*

*Judge Crawley,*

For Subscribing and giving Opinions set forth in *hac Verba. 1641. Art. 1. 7. 37.*

*Herbert.*

For Exhibiting of Articles against the Five Members, which Articles follow in these Words, &c. *1641.*

Thirteen Bishops Impeached for Making and Promulging in *1640.* Several Constitutions and Canons, contrary to the King's Prerogative, &c. *1641.*

They demurred because the Charge was General, but Receded from this Demurr, because it appeared to be particular,

*E. Strafford*

Expresses the Words spoken by him, and the time, *1641. Art. 2.*

20. 21, 22, 23, 24, 25, 27. Express the very Words spoke by him, 26. is in like manner, with an Inuendo of his meaning. *Art. 4.*

*Arch-Bishop Laud.*

10. Express the Words spoken by Him. *1642. Art. 1. 4.*

12. Expresses the Words spoken by Him, and the Time and Place.

So Necessary did the long Parliament it self, think it, to pursue the Forms of Law in all their Prosecutions.

Upon the whole therefore, we humbly conceive that so great a Number of Precedents, is sufficient to outweigh, the single Instance of Dr. *Manwaring's* Case, how opposite soever it may seem to be to the present Case, which for the Reasons we have mentioned, is far from being Plain and Clear, or having the full Authority of a Precedent, and the Law and Custom of Parliaments, as we conceive is to be determin'd by constant Course and Practice, and not one Precedent occasioned by so Odious Doctrines, as those of Dr. *Manwaring*; nor can the contrary Assertion to the abovesaid Resolution, be of any ill Consequence to Impeachments by the Commons, because 'tis easie for them to Specifie the Words, which offend them; but extremely Difficult for the accused to defend himself, without knowing them; and as all who are charged



Criminally, have leave to make their Defence, so they should also have allowed to them all Lawful means for it.

<i>To, Ebor,</i>	<i>Yarmouth,</i>	<i>Leimpster,</i>	<i>North &amp; Grey,</i>
<i>N. Duresme,</i>	<i>Rocheſter,</i>	<i>H. London,</i>	<i>Willoughby Br.</i>
<i>Suffex,</i>	<i>Weymouth,</i>	<i>Leeds,</i>	<i>Craven,</i>
<i>Scarſdale,</i>	<i>Scarborough,</i>	<i>Thanet,</i>	<i>Oſborne,</i>
<i>Plymouth,</i>	<i>W. Ceſtreus,</i>	<i>Angleſey,</i>	<i>Howard,</i>
<i>R. Ferrers,</i>	<i>Stawell,</i>	<i>Abingdon,</i>	<i>Guernſey,</i>
<i>Beaufort,</i>	<i>Conway,</i>	<i>Northampton,</i>	<i>Nottingham,</i>
<i>Denbigh,</i>	<i>Guildford,</i>	<i>Jerſey,</i>	<i>Berkſhire.</i>

After this it was order'd by the Lords, &c. That on *Thurſday* next, they ſhould proceed upon the Impeachment of *Henry Sacheverel*, Dr. in Divinity, Article by Article.

### March 16th, Great Debate in the Houſe of Lords about the Firſt Article.

Accordingly, on the 16th of March, it being moved to declare, That the Commons had made good the Firſt Article againſt Dr. Sacheverell, a great Debate aroſe thereupon, (the Queen being preſent) and among the reſt, Dr. Burnet, Lord Biſhop of Salis-bury, made a long Speech. Importing,

Biſhop of Sarum's **T**HAT the Council for the Priſoner Speech. did ſo plainly and fully yield all that any Loyal Subject has ever pretended to, that in *Cases of ex-tream Neceſſity Self Defence and Reſiſtance were Lawful*, and that *this was the Caſe at the Revolution*; that it might not be neceſſary to ſay any thing further on this Head, if it had not been that the Evidence they brought ſeemed to carry this Matter much further, and that the Priſoner himſelf allow'd of no Exception, in *Cases of Neceſſity*. And ſince it was grown to be a vulgar Opinion, That by the Doctrine of the Church of England, all Reſiſtance in any Caſe whatſoever, without Exception, is Condemn'd; He thought it was incumbent on him, who had examin'd this Matter long and carefully, to give their Lordſhips ſuch a clear Account of this Point, as might as fully ſatisfie them as it did himſelf.

That

That  
could  
no Co  
ged in  
Way  
thro'  
action  
either  
think  
tireme  
Relig  
comm  
pair a

I ge  
Doctr  
Popery  
on the  
their  
had fo  
and g  
ticks,  
ing in  
by the  
land;  
tions,  
that t  
the L  
that  
Land,  
ty from  
ground  
Parlia  
Laws  
ral Co  
Parts o

The  
find i  
this;  
Deuter  
One fi  
whenc  
bound  
of the  
ing Fe  
this d  
gion:  
Autho

That he served in the Revolution, and promoted it all he could. He served as Chaplain to the Late King: He had no Command, and carried no Arms, but he was so far engaged in it, that if he could see that he had gone out of the Way in that (and the many Up and Downs we have gone thro' since, has given much Occasion to reflect on that Transaction) he should hold himself unworthy to appear longer, either in that Habit, or in that Great Assembly: But should think himself bound to pass away the rest of his Life in Retirement or Sorrow. There being nothing more certain in Religion, than that we ought to repent of every Sin we have committed; and that we cannot truly repent, unless we repair and restore as far it is in our Power.

I go now, continued he, to give you the Account of the Doctrine of our Church in this Particular. In the Times of Popery it was a Tenet, built upon Bishops setting the Crown on the Heads of Princes, and anointing them, that they held their Crowns of the Church, and at the Pope's Mercy; who had for about 500 Years got into the Claim of deposing them, and giving their Dominions to others, in case they were Heretics, or the Favourers of them. But the Reformation being in its first Beginning protected by the Princes of Germany, by the Kings of the North, and then by the Kings of England; they came every where in Opposition to the Papal Notions, to say that Kings had their Power from God: Not that they meant, that they had any distinct Authority besides the Law of the Land derived to them from God; but by that the Laws of God, the Authority of the Law of the Land, was secured to them. For when a different Authority from that of the Law came to be pretended to, and to be grounded on these General Expressions, that received here a Parliamentary Censure, and it was then declared that the Laws of Religion in the Scripture did only establish the several Constitutions and Governments that were in the different Parts of the World.

The Occasion that the Apostles had to write what we find in their Epistles, with relation to Government, was this; The Jews had a Notion among them from a Passage in *Deuteronomy*, that they were only to set a King over them, *One from among their Brethren, and not a Stranger*. From whence it is, That to this Day they do not think they are bound in Conscience to obey any Magistrate, who is not one of their Nation. Now the first Converts to Christianity being Jews, the Apostles took care that they should not bring this dangerous Notion with them into the Christian Religion: But they did not meddle to determine where this Authority was lodg'd, that was to be gather'd out of the several

several Constitutions : They did not determine how much was due to the Emperor, and how much to the Senate : And tho' not long after those Epistles were writ, the Senate condemned *Nero* to dye, *More Majorum*, to be whip'd to Death ; none of the Christians interposed in that Matter. He prevented that infamous Death by his own Hands : And the Primitive Christians reckon'd it one of the Articles of the Glory of their Religion, that their first Persecutor came to such an End.

Not long after that *Trajan* was fam'd for that memorable Expression, when he deliver'd the Sword to the Governours of the Provinces, as the Emblem of their Authority, he us'd these Words, *Promē, si merear in me* ; For me, but if I deserve it, against me. That did not weaken his Authority : His good Government with that of his Successors for above 80 Years, being the greatest and happiest time the *Romans* had under their Emperors. This Word was put on King *James* the First's Coin in *Scotland* : It is true, that was during his Minority ; but when he afterwards changed his *Motto*, the Coin was not call'd in, but continued Current till the Union.

The Primitive Christians had no Laws in their Favour, but many against them : So their patient Suffering so many Persecutions according to the Laws of the Empire, under which they liv'd, was conform to the Doctrine laid down by the Apostles. When they came afterwards to have the Protection of Laws, they claim'd the Benefit of them, not without great Violence, when they thought an Infraction was made on those Laws : Which broke out into great Tumults, in many of the chief Cities of the Empire, not excepting the Imperial City it self.

But, said he, to proceed with the History of our Church : When the Articles of Religion were settled, the Books of the *Apocrypha* were indeed declar'd not to be a part of the Canon of the Scripture, but yet to be useful for the *Example of Life*, and the *Instruction of Manners*. A great part of these are the Books of the *Maccabees*, which contain the History of the Jews shaking off the Yoke of the Kings of *Syria*, when they were broke in upon by a total Overthrow of their whole Law, and an unrelenting Persecution. *Mattathias* a private Priest began the Resistance, which was carried on by his Children, till they shook off the *Syrian* Yoke, and formed themselves into a free Government, under the Family of the *Maccabees*. It were easie to shew that the Jews had been for above 400 Years subject, first to the *Babylonian*, then to the *Persian*, and at last to the *Grecian* Empire : So that by a long Prescription they were Subjects to the Kings of *Syria*. It

were

were  
Dann  
tion'd  
of the  
Persec  
Histon  
them,  
of Lif  
out of  
what  
ters ob  
cation  
The  
The S  
again  
compo  
in tha  
them v  
fence o  
we ma  
that h  
was no  
The  
ted Wa  
of God  
again  
sides al  
Number  
Prayers  
ven, an  
ther do  
rebel ag  
lawful  
do the  
to save  
that Bi  
again  
the Thr  
in K. A  
beth's T  
who wa  
that wi  
quoted  
late onl  
David is  
defende  
the Per



were easie also to shew that this Resistance was foretold by *Daniel*, in Terms of High Commendation, and is also mention'd in the Epistle to the *Hebrews*, as the Work and Effect of their Faith. If then all Resistance to illegal and barbarous Persecution, is unlawful; these Books contain nothing but a History of a Rebellion, and all the Devotion that runs through them, is but a Cant, and instead of reading them as *Examples of Life, and Instruction of Manners*, we ought to tear them out of our Bibles with Detestation. I shall afterwards shew what use was made of these Books, not only by private Writers of our Church, but by what the whole Body in Convocation was about to determine.

The next Step to be made, is, to consider the Homilies: The Second Book of Homilies, which has the Homilies in it against *Wilful Rebellion*, is generally believed to have been compos'd by Bishop *Jewell*, who was by much the best Writer in that Time. It is certain, he understood the meaning of them well: Now I will read you two Passages out of his Defence of his Apology for the Church of *England*; from whence we may clearly gather what his Notion of Rebellion was, and that he thought a Defence against unjust and illegal Violence was not Rebellion. In one place he has these Words;

*The Nobles of Scotland neither drew the Sword, nor attempted War against the Prince: They sought only the Continuance of God's undoubted Truths, and the Defence of their own Lives against your barbarous and cruel Invasions: They remembered, besides all other Warnings, your late Dealings at Vassy, where great Numbers of their Brethren were murder'd, being together at their Prayers in the Church, holding up their Innocent Hands to Heaven, and calling upon God.* In another place he writes, *Neither do any of all these (Luther Melancthon) teach the People to rebel against their Prince: but only to defend themselves by all lawful Means against Oppressions, as did David against Saul, so do the Nobles in France at this Day, they seek not to kill, but to save their own Lives.* He urg'd, That these Passages shew that Bishop *Jewell* looked on *Rebellion* to be a violent Rising against a Prince executing the Laws, which was the Case of the Three Rebellions in *England* that they had in view: That in *K. Henry the VIIIth's*, in *K. Edward's*, and in *Q. Elizabeth's* Time, where the Papists took Arms against their Prince, who was executing Laws made in Matters of Religion, and that with a great Gentleness. That of the Eleven Passages quoted by the Prisoner out of the Homilies, Five plainly relate only to the *Coercing the Person of the Prince*, in which *David* is set in Opposition to those Rebels now, tho' he indeed defended himself, yet he had a just and sacred Tenderness to the Person of *Saul*, when he had him in his Power, which

is

is certainly Sacred by our Constitution. Five of them relate to Wicked Princes. That it was never pretended by any who pleaded for necessary Defence, that the bad Life of a Prince can be a just Cause of Resistance: Yet that was then pretended; for K. *Henry VIII.* had given too much occasion to reckon him a wicked Prince. So there was only one of all the Passages quoted from those Homilies, that relates simply to Rebellion in General: And it had appear'd what Bishop *Jewell's* Sense of the Matter was. That there was also a Prayer at the End of every Division of the Homily against *Wilful Rebellion*, (and by the by *Wilful* was not put in the Title for nothing) for those oppressed by Tyranny in other Parts, that they might be relieved, and that those who were in fear of their Cruelty might be comforted.

Let us next look, said he, thro' Q. *Elizabeth's* Long and Glorious Reign, and see what was the constant Maxim of that Time.

The Year after the Queen came to the Crown, the War in *Scotland* broke out between the Queen Regent that Govern'd by Commission, from her Daughter then Queen of *France*, and the Lords in *Scotland*. She, to obtain the Matrimonial Crown to be sent to *Francis* the II<sup>d</sup>. gave Assurances for the Exercise of the Reformed Religion; but that Point being gain'd, she broke all her Promises, and resolved to force them to return to the Exercises of the Popish Religion: Upon which the Lords of *Scotland* formed themselves into a Body, and were called the Lords of the Congregation. Forces were sent from *France* to assist the Queen Regent; upon that Q. *Elizabeth* entered into an Agreement with the *Scottish* Lords, and sent an Army to their Assistance, which continued in *Scotland* till all Matters were settled by the Pacification of *Leith*: And in a *Manifesto*, that I have in my Hands, set forth 25 Years after that, I find Her reflecting on that Interposition in the Affairs of that Nation with great Satisfaction.

That the Year after this War was ended, upon *Francis* the II<sup>d</sup>'s Death, *Charles* the IX<sup>th</sup>, who was a Child, succeeded in *France*. Edicts were granted in favour of the Protestants: These were soon after broken by the *Triumvirate*, and upon that follow'd a Series of Wars often pacified, but always breaking out again, by reason of the Violence and Cruelty of the Government. All these Wars, till *Henry* the IV<sup>th</sup> was settled on the Throne, were in a Course of 28 Years, that which some would call *Rebellion*, being carried on against two succeeding Kings. Yet the Queen was in all that time still assisting them with Men and Money.

That in the Year 1568. the Provinces in the *Netherlands* threw off the *Spanish* Yoke, that was become intolerably severe

were  
cover  
were  
into  
of Sa  
whic  
That  
Crow  
betw  
terch  
ship  
givin  
if the  
been  
those  
That  
till t  
Cour  
sever  
of the  
ticular  
of Wi  
fied v

Th  
great  
fed P  
on a  
Sover  
yield  
here  
and o  
King  
nons,  
in wh  
comes  
cabees  
Gove  
Settle  
who  
like t  
Matti  
it in  
found  
vall's  
few  
Bishop  
fairs

vere and cruel. The Queen for some Years assisted them more covertly, but when the Prince of Orange was kill'd, and they were in danger to be over-run, she took them more openly into her Protection; and by the *Manifesto* (which the Bishop of Sarum had in his Hands) She published the Grounds upon which She proceeded. She laid down this for a Foundation, That there had been an Ancient League not only between the Crown of England, and the Princes of the Netherlands, but between the Subjects of both Countries, under their Seals interchangeably, for all Friendly Offices. From hence his Lordship urg'd, That if this was a good Reason for the Queen's giving Aid to the Oppressed People of the Netherlands, then if the Case had been reversed, that the People of England had been illegally and cruelly oppressed, it furnished the Princes of those Provinces with as good a Reason for assisting them. That in this Assistance given the States, the Queen persisted till the End of Her Reign; nor was this only done by the Court, but both Parliaments and Convocations granted Her several Aids to maintain these Wars: And in the Preambles of those Subsidy Acts, the Queen's Proceedings in those Particulars were highly approv'd and magnify'd. *Bilson* Bishop of Winchester, and several other Writers in that time, justified what she did; and not one censured or condemned it.

That upon King James's coming to the Crown, the first great Negotiation was for a Peace between Spain and the United Provinces; which lasted several Years. The States insisted on a Preliminary, That they should be Acknowledged Free, Sovereign, and Independent States; the Spaniards would not yield to this, nor would the States recede from it. Some here in England began to say, They were Form'd in Rebellion, and ought not to carry their Pretensions too far: Upon that, King James suffer'd a Convocation to meet; and a Book of Canons, with relation to the Supream Authority, was prepar'd; in which, tho' the Authority of the Prince, even when he becomes a Tyrant, is carried very far; yet the Case of the *Macabees* is Stated; and, it was determined, That when a new Government, tho' begun in a Revolt, is come to a thorow Settlement, it may be owned as Lawful. That King James, who was jealous enough of the Regal Authority, yet did not like their carrying these Matters so far: He order'd the whole Matter to be let fall so entirely, that there is not a Word of it in the Books of Convocation: But Archbishop *Sancroft* found this Collection of Canons at *Durham*, under Dr. *Oversall's* Hand, which he Copied out, and Licensed the Book a few Days before he fell under his Suspension. That he (the Bishop of Sarum) soon saw that it had a Relation to the Affairs in Holland: For the Dutch delighted to compare their first



first Beginnings to that of the Jews in *Antiochus's* time: They compared King *Philip* to *Antiochus Epiphanes*, and the Prince of Orange to *Judas Maccabees*. But, added he, I saw much clearer into the Matter by an Original Letter of King *James*, which a worthy Gentleman sent me. I knew his Hand well; the Letter is in Print; but I will read some particulars out of it. It is Directed to Dr. *Abbat*, afterwards Archbishop of *Canterbury*. It begun with Censuring some Positions concerning a King in Possession, the same with our Modern Term of a King *de facto*: He goes on in these Words, *My Reason of calling you together, was to give your Judgments, how far a Christian and a Protestant King, may concur to Assist his Neighbours to shake off their Obedience to their own Sovereign, upon the Account of Oppression, Tyranny, or what else you like to name it. In the late Queen's Time, this Kingdom was very free in Assisting the Hollanders both with Arms and Advice; and none of your Court ever told me, that any scrupled about it in her Reign. Upon my coming to England, you may know, it came from some of your selves to raise scruples about this Matter; yet I never took any notice of these scruples, till the Affairs of Spain and Holland forced me to it. I call'd my Clergy together, to satisfy not so much me, as the World about us, of the Justness of my owning the Hollanders at this time. This I needed not to have done, and you have forced me to say, I wish I had not. He reflects on those, who had a great Aversion to the Notion of God's being the Author of Sin, which plainly Points at Dr. *Overall*, who was the first Man of Note among us, that Opposed the Calvinists Doctrine of Predestination; yet he says, *They had gone to the Threshold of it, by saying, That even Tyranny was God's Authority, and should be Reverenced as such. He concludes, These were edged Tools, and that therefore they were to let them rest. Here is a full Account of King James's Thoughts of this Matter, which was then the chief Subject of Discourse all Europe over: He had Twelve Years before this, shewed on an Eminent Occasion that he owned the States, when he Invited them in the Year 1593. to Christen his Eldest Son, Prince Henry. They were sensible of the great Honour done them by it; and tho' they were then but Low, they sent an Embassy, with a noble Present of Gold Plate, to Assist on that Occasion. This Negotiation stuck for several Years, the Spaniards refusing to own them in exprels Words: The Temper found was, they were treated with (*tamquam*) as with Free States; and the Matter went no further at that time, than a Truce for some Years, which was Concluded in the Year 1609. This lets us see, That the Words in King *James's* Speech that Year to his Parliament, were not chance Words that fell carelessly from him, a King leaves to be a King, and degenerates into a Tyrant, as soon as**

he lea  
euce n  
Eithe  
Th  
that  
was i  
Mr. A  
writ  
Charg  
swer  
Bedeli  
Prom  
full:  
Throa  
their  
know  
justifi  
inclin  
Violen  
who a  
an hon  
selves  
and S  
Lord  
of the  
after  
guard  
Macc  
the Pe  
violabl  
Comm  
stood  
King  
was  
while  
most  
Thar  
with  
is Lav  
And t  
tion  
That  
out in  
over A  
cluded  
and t  
proted

he leaves off to Govern by Law: In which case the King's Conscience may speak to him, as the poor Woman to Philip of Macedon, Either Govern by Law, or cease to be a King.

That there is another eminent Instance towards the End of that Reign, that shews what the Sense of our best Divines was in this Matter: When the Archbishop of York's Son and Mr. Wadsworth had changed their Religion in Spain, Wadsworth writ over a bold Defence of that; and among other Things, Charged the Reformation with Rebellion. This was answer'd by one of the best Books of that Time, writ by Dr. Bedell, Dedicated to the Prince of Wales, who afterwards Promoted him to a Bishoprick. His Words on this Head are full: Do you think (says he) Subjects are bound to give their Throats to be cut by their Fellow Subjects, or to their Prince, at their mere Wills, against their own Laws and Edicts? You would know quo jure the Protestants Wars in France and Holland, are justified, First, The Law of Nature, which not only alloweth, but inclineth and inforceth every living Thing to defend it self from Violence. Secondly, That of Nations, which permitteth those who are in the Protection of others, to whom they owe no more than an honourable Acknowledgment, in case they go about to make themselves absolute Sovereigns, and to usurp their Liberty, to Resist and Stand for the same. And if a Lawful Prince, who is not yet Lord of his Subjects Lives and Goods, shall attempt to despoil them of the same, under colour of reducing them to his own Religion, after all humble Remonstrances, they may stand upon their own guard, and being assailed, resist Force with Force, as did the Maccabees under Antiochus. In which case notwithstanding, the Person of the Prince himself ought always to be Sacred and Inviolable, as was Saul to David. Which Words wanted no Commentary, and so their Lordships saw how this Matter stood during King James's Reign. That in the first Year of King Charles's Reign, Grotius's Book *de Jure Belli & Pacis*, was Publish'd at Paris, Dedicated to the King of France, while France was under the Administration of the wisest and most jealous Minister of the last Age, Cardinal Richelieu. That in that Book, in which he asserts the Rights of Princes with great Zeal, yet he enumerates many Cases, in which it is Lawful to Resist, particularly that of a total Subversion: And that Book is now all Europe over in the highest Reputation of any Book that the Modern Ages have produced. That in the Beginning of King Charles's Reign, a War broke out in France, against the Protestants; upon which he sent over Ambassadors, by whose Mediation a Peace was Concluded; but that being ill kept, the War broke out again; and the King thought himself Bound by his Mediation to protect the Protestants. So in the Second Session of the Parliament

liament 1628. In the Demand of a Supply that the Lord Keeper Coventry made in the King's Name, these Words are to be found; *France is sway'd by the Popish Faction; and tho' by his Majesties Mediation, there were Articles of Agreement between that King and his Subjects, that Treaty hath been broke, and those of the Reformed Religion will be ruined without present Help.* Upon this the Commons petitioned the King for a Fast, and desired the Concurrence of the Lords, who join'd with them in it. The King granted it, and an Office was Compos'd suitable to the Occasion; in which among other Devotions, the Nation was directed to pray for all those, *who here, or else-where were fighting God's Battels and Defending his Altars.* Thus the whole Body of the Legislature did concur for a Fast for that, which if this Doctrine is true, was no better than *Rebellion*; and yet the whole Nation, *Clergy and Laity* were requir'd to Pray for Success in it.

That to compleat this View of the Doctrine of our Church, it is to be consider'd, That when a Year before this, while the Loan or Benevolence were carried on, some officious Divines made use of those Expressions of *Kings having their Power from God*, as importing an Authority of a Nature Superior to the Laws of the Land. One of these, Dr. *Manwaring*, was Impeached, and had a severe Sentence pass'd on him for it. So that he had now made it out, beyond the possibility of Contradiction, that for 70 Years together, from 1558, to 1628, the Lawfulness of Self-defence in the Case of Illegal and Violent Cruelty, was the Publick and Constant Doctrine of this Church.

Adding, that as these were the best and happiest Times of our Church, as is often repeated by the Earl of *Clarendon*: From these we ought to take the Standard of our Doctrine.

I go next, continued he, to shew what was the common Doctrine for the next 60 Years, from 1628, to 1688. I must yield up the first twelve Years: For upon the unhappy Misunderstanding between the King and that Parliament, there was a long discontinuance of Parliaments, then the lately Condemned Doctrine was again in Vogue; and nothing was so much heard of, as the Law of Government that was from God, Antecedent to all human Laws: Out of this sprung illegal Imprisonments, illegal Monopolles, severe Proceedings in the Star-Chamber, but above all, the *Ship-Money*. These things put the Nation in an Universal dis-jointing and feebleness. And when an unavoidable necessity forced that King to call a Parliament, the fatal Effects of those Councils broke out terribly. I know many fancy, that the War is to be charged on the Principles of Self-defence: They are much mistaken.



mistaken. I had occasion to see a great way into the Secret of that time, when I examin'd the Papers relating to the two Dukes of *Hamilton*. I knew a great deal more since from two Persons of unquestionable Integrity, who knew the Secrets of that time, the Lord *Hollis*, and Sir *Harbottle Grimstone*; but all receiv'd a full Confirmation, when I found it agreed perfectly with the noble Account given by the Earl of *Clarendon*.

No Body dreamt of a War, nor had they any Principles leading to it. But there was an unhappy Train of Accidents that hindred Matters from being brought to a Settlement, even while the King was granting all they could desire. Stories were carried by Persons about both the King and Queen, of words let fall, that made them conclude, there were still ill Designs on foot; against the Laws that were then passed. But that which brought all to a Crisis, was the Discovery of a Negociation, to engage the Army to Declare against the Parliament. Whosoever compares the Depositions in *Rushworth*, with the Account given of that Matter by the Earl of *Clarendon*, will see there is a great deal more in the one, than the other is willing to believe; tho' he acknowledges they had both *Goring's* Evidence, and *Piercy's* Letter with them. I will not take it upon me to determine, whether they believ'd too much, or the Earl of *Clarendon* too little. It is certain, they believ'd all that was in the Depositions, and a great deal more: For *Goring* being continued in the Government of *Portsmouth*, and his Father being advanced from being a Baron to be an Earl, and *Piercy's* being made a Lord, and Master of the Horse to the P. of *Wales*, made them conclude they had suppressed a great deal, instead of saying more than was true. This stuck deep in their Hearts, and at last fatally broke out in the Demand of the *Militia*, that brought on the War, which I do own was plainly a *Rebellion*, because a Force was offer'd to the King, not to defend themselves from an unjust Invasion, or illegal Grievances, but to extort a new Law from him. Thus the true Occasion of the War, was a Jealousie, that a Conduct of 15 Years had given too much ground for; and that was still unhappily kept up, by a fatal Train of Errors in every step that was made. The great Concussion that the War gave the Nation, and the barbarous Effusion of so much Blood, especially of the Royal Blood of that Blessed KING, had at last a happy, tho' a late Conclusion in the *Restoration*: And it's no wonder, if such a Series of Tragical Events, begot a general Horror at the Occasion of them. But then it was, that had it not been for the Firmness of the Earl of *Clarendon* to his

*English* Principles, the Liberties of the Nation had been deliver'd up.

It is to his Memory, that we owe our being a free People; for he with his two great Friends, the Duke of *Ormond*, and the Earl of *Southampton*, check'd the forwardness of some who were desirous to load the Crown with Prerogative and Revenue. He stopt all this, which being afterwards odiously represented, brought on him that great and lasting, but honourable Disgrace. The Earl of *Southampton*, whose Death went a little before his Fall, and perhaps hastned it the sooner, said to many about him, that he was a true Protestant, and an honest *English-man*; and that the Nation would feel the Effects of his being removed, whensoever it might happen.

That Lord, in the great Settlement after the Restoration, would carry things no farther, than to repeal what had been extorted by the Tumults; and in the matter of the *Militia-Act*, and the Oaths relating to it, all was more cautiously worded, than is commonly understood. To the Word *Commission'd by the King*, some indeed moved, that the word *Lawfully* might be added, to make all plain. This was press'd in the House of Commons by *Naughan*, afterward Lord Chief Justice of the Common-Pleas. The Attorney General, afterwards Lord Chancellor *Nottingham*, answer'd, That was *not necessary*; for the word *Commission*, import'd it; since, if it was not Lawfully issued out, to Lawful Persons, and for a Lawful Reason, it was no *Commission*; and the whole House assented to this; yet in the House of Lords, the same word *Lawfully* was press'd to be added by the Earl of *Southampton*, who was answer'd by the Earl of *Anglesey* to the same purpose, with what had been said in the House of Commons. He indeed insisted to have the word added, because it would clear all Difficulties with many, who not having heard of the Sense given in both Houses, might fancy, that any sort of *Commission* being granted, it would not be Lawful to resist it. He did not prevail; for it was said, That this Explanation being the Sense of both Houses, it would be soon spread and known over the Nation. In this Sense, it is certain, that it is not Lawful to take Arms against any so Commission'd by the King; for that were to take Arms against the King's Commission in the Execution of the Law, which is certainly a resisting the Ordinance of God, *which whosoever do, they shall receive to themselves damnation*.

It was no wonder, if after such a War, the Doctrine of *Non-Resistance* was preach'd and press'd with more than ordinary Warmth, and without any Exceptions; yet some still kept these

the  
kno  
the  
I  
Ma  
Kin  
adm  
othe  
in q  
me c  
ctrin  
not  
matt  
need  
judg  
It  
1683  
Summ  
me in  
ter th  
Proce  
to bre  
and fa  
and w  
This v  
Magda  
Prince  
Matter  
was pu  
carried  
at pleas  
were n  
Actings  
a total  
gal one  
sure. S  
Some  
came th  
to him;  
had not  
a Man c  
had not  
Night.  
acquaint  
proving c  
the Table  
who cain

these in view; so did both *Dr. Falkner* and my self; and I know many others had them always in their Thoughts, tho' they did not think it necessary to mention them.

I found, continued he, the ill effects, that the carrying this Matter so far, had on the Mind of that unfortunate Prince, *King James*; for in the Year 1673; when he was pleas'd to admit me to much free Conversation with him, among many other things, I told him, it was impossible for him to Reign in quiet in this Nation, being of that Religion; he answer'd me quick, Does not the Church of *England* maintain the Doctrine of *Non-Resistance* and *Passive Obedience*? I begg'd of him not to depend on that; for there was a distinction in that matter, that would be found out when Men thought they needed it. I now come to tell your Lordships, how right I judged.

It is true, they pass'd a very pompous Decree at *Oxford*, 1683: but you shall hear how long they stood to it. In Summer, 1686, the Prince of *Orange* was pleas'd to receive me into his Service with a particular Confidence. Soon after the Ecclesiastical Commission was set up, and upon some Proceedings before that Board, he was desir'd from *England* to break with *King James* upon that Head. I oppos'd this, and said, I was convinced, that Commission was against Law, and would have ill effects, but it did not strike at the whole. This was more warmly press'd upon the Proceedings against *Magdalene College*. I still stood to my ground; and told both Prince and Princess, That if a Breach should follow on these Matters, I could not serve: When indeed the Declaration was publish'd a second time, with a Resolution to have it carried through; and that many Laws were dispensed with at pleasure; and Persons who were under legal Disabilities, were made Judges, Sheriffs and Magistrates; all whose Actings were so many Nullities: Then I thought here was a total *Subversion of our Constitution*; which from being a Legal one, was made precarious, subject to mere Will and Pleasure. So I was ready to serve in the Revolution.

Some Days after we came to *Exeter*, *Sir Edward Seymour* came thither, and he presently sent for me: When I came to him; he asked me, Why were we a Rope of Sand, and had not an Association? I said, Because we had not yet a Man of his Weight to begin the Motion: He said, If we had not one by to Morrow, he would leave us before Night. I presently saw a Noble Duke now in my Eye, and acquainted him with this; He went to the Prince, who approving of it, an Association was prepar'd, and laid on the Table next Morning; and was after that Signed by all who came to wait on the Prince. Three days after we left



*Exeter*, a Head of a College came to the Prince, to invite him to come to *Oxford*, assuring him, that the University would declare for him. He went as near it as *Abingdon*, but then the sudden Turn of Affairs at *London* obliging him to halt up, the Association was sent thither, and was Signed by the Heads of the College, and many others there; some doing it in a particular Warmth of Expression, and saying, That their Hearts, as well as their Hands went with it. Upon what Disappointments or other Views, I cannot tell, *this Contradiction to their famed Decree*, five Year after it was made, seem'd to take another Turn back to it again; and the Notion of a King *de facto*, which is but a *softer Word for an Usurper* came in Vogue.

The Parliament, to prevent the ill Effects of that, studied to secure the Government, *First*, by an Association, and then by an Abjuration. I, who was always against every thing that might break in upon Conscience, was for making these only voluntary; but they were Enacted, and they were generally taken. A Noble Lord on the Earls Bench, procur'd me the Sight of a Letter, that went about to persuade the taking the Abjuration, that he had from a place where he believed it had its Effect; where I found this Distinction, That the Abjuring any Right whatsoever that the *Pretender* might claim, was only meant of a Legal Right, and that it had no Relation to *Birth-Right*, or to *Divine Right*. This agreed, with a Report that went then current, That a Person, in a great Post, sent a Message to an Honourable Gentleman, who would not take the Abjuration, that if he had an half Hours Discourse with him, he doubted not to be able to convince him, that he might take the Abjuration, without departing from any of his Principles. Towards the End of the last Reign, a bold Attempt was made on the King's Supremacy, by an Incendiary, who is supposed to have no small Share in this Matter now before your Lordships: But the Attack on the Supremacy being liable to a *Premunire*, it was turn'd with much Malice, and manag'd with great Prevarication against the Bishops, who adhered firmly to their Duty to the King. How great a Disjointing that has brought on this Church, is too visible all the Nation over, and it tends to carry on the wicked Design of distracting the Church, and undermining the Government.

By the time the Queen was on the Throne, or soon after the *Rehearsal* began to be spread over the Nation, two of them a Week, which continu'd for several Years together, to be Publish'd without Check or Controul; It was all thro' one Argument against the Queen's Right to the Crown; that, tho' it was diversified with Incidents and Digressions, was kept

kept  
into  
long  
Beh  
fame  
One  
Will  
per;  
the  
it til  
time  
the  
that  
to sh  
Profe  
he he  
did n  
the R  
a Col  
Week  
may  
have  
stay t  
of the  
so we  
Bu  
and o  
to gi  
as thi  
us, fo  
one o  
that v  
rable  
there  
that t  
fasten  
her W  
he fol  
Queen  
WH  
bout,  
Queen  
riles.  
distur  
design  
nothin  
and pl

kept always in View. The Clergy were in many Places drawn into Subscriptions for this Paper. This look'd like a Design long conniv'd at. to have the Queen's Title undermin'd; Besides this, we had a Swarm of Pamphlets every Year to the same Purpose, and, as was believed, writ by the same Hand. One sold at the Door of the House, with the Title of *King William's Exorbitant Grants*, did plainly call him an Usurper; and starting an Objection against the Queen's possessing the Throne, gave it this Answer, That she did well to keep it till she could deliver it up to the Righteous Heir. At that time there was a quick Prosecution of a Paper publish'd, with the Title of *The Shortest Way with the Dissenters*; and upon that, I brought that Pamphlet to a great Minister, and offer'd to shew him this Passage in it, to see if there should be a Prosecution of this Order'd. He turned from me; so whither he heard me or not, I cannot tell: I am sure, if he says he did not, I will believe him. No Prosecution follow'd, and the Rehearsal went on. The Clergy in many Places, met at a Coffee-House on *Saturdays*, to Read the Rehearsals of the Week, which had very ill Effects in most Places. I know it may be said, That the Queen's Learned Council ought to have look'd after these things: But we all know, that they stay till they receive Orders from the Ministry. The Course of that Treasonable Paper has been now for some time stopt, so we see there is some Change in the Ministry. —

But to compleat the Insolence of the Enemies of the Queen and of the Protestant Succession; they had the Impudence to give it out, That the *Queen secretly favour'd them*: And as this, we all know, has been long whisper'd about among us, so it was more boldly given out in *Scotland*, which oblig'd one of the Queen's Ministers in that Parliament, in a Speech that was Printed, to contradict this treasonable and dishonourable Suggestion, that as some Divines would have it, that there was in God a Secret, as well as a Reveal'd Will, and that these might be contrary to one another; so they would fasten an Imputation on the Queen, that while she reveal'd her Will one way, she had a secret Will another way; which he solemnly affirmed to be false, and highly Injurious to the Queen.

While the Pamphlets and these Reports were thus set about, Mr. *Hoadly* thought that it became him to assert the Queen's Title, by justifying the Revolution, out of which it rises. But what an Outcry was rais'd on this, that one durst disturb the Progress of a wicked Opinion, that was visibly design'd to overturn the Government: And yet he asserted nothing, but what the Council for the Prisoner did all fully and plainly own, That in the Cases of extreme Necessity, an

Exception to the Doctrine was to be admitted, and that that was the Case at the Revolution.

But as these Notions have been long let run among us; so they have appeared in a most violent and unguarded Manner, ever since the Attempt of the Pretender, and more of late, since the Preliminaries upon the Overtures for a Peace, seems to extinguish their Hopes. What Sermons on this Head are preach'd in this City, at Assizes, at Bath, and at many Cathedrals. Furious Men fit themselves with some hot Sermons, which they carry about from place to place, to poison the Nation. This has not only the visible Effect designed by it, of shaking many in their Allegiance to the Queen, and in their adhering to the Protestant Succession; but it has a curst Effect on many others, on whom this their Design does not succeed.

I am very sensible there is a great deal of Impiety and Infidelity now spread thro' the Nation: This gives every good Mind all possible Horror; but I must tell your Lordships, on what a great Part of it is founded; for since my Conversation with *Wilmot*, Earl of *Rocheſter*, I have had many Occasions to discourse with Persons tainted with those wicked Principles, and I do affirm it, that the greatest Prejudice these Persons have at Religion, at the Clergy, and at the Publick Worship of God, is this, that they say, They see Clergy-men take Oaths, and use all Prayers, both Ordinary and Extraordinary for the Government, and yet in their Actings and Discourses, and of late in their Sermons, they shew visibly that they look another way; from whence they conclude, They are a Mercenary Sort of People without Conscience.

I hope there are not many that are so corrupted and so scandalous: I am sure I know a great many that are far otherwise, who Preach, Speak and Act as they Swear and Pray; but those who act in another way, are Noisie and Impudent, and so bring an Imputation on the whole Body; and unless an effectual Stop is put to this Dislemper, it is not possible to foresee all the ill Consequences that may follow upon it.

I have, (said he in the Conclusion,) I am afraid, wearied your Lordships; but I thought it was necessary, once for all, to enlarge copiously on this Argument: And now to come close to the Article, and the Sermon, for I meddle not at all with the Person of the Man; Whatever general Expressions might very well have been used, in setting forth *Passive Obedience* and *Non-Resistance* before the *Revolution*, because odious Cases ought not to be supposed, and therefore are not to be named; yet since *Resistance* was used in the *Revolution*, and that the late King invited all the Subjects to join with him, which



which was in them certainly Resistance ; and since the Lawfulness of the *Revolution* is so much controverted, the condemning all *Resistance* in such crude and general Terms, is certainly a Condemning the *Revolution* : And this is further aggravated from those Limitations on our Obedience, in an Act past soon after the *Revolution*, by which, in Case our Princes turn *Papists*, or marry *Papists*, the Subjects are in express Words, discharg'd from their Allegiance to them. Certainly this puts an End to the Notion of *Non-Resistance* in any Case, or on any Pretence whatsoever : For these Reasons, I think the first Article of this Impeachment, is both well grounded, and fully made out.

The Lord Bishop of *Oxford* made also a remarkable Speech on the same side, Importing,

The Bishop of *Oxford*'s Speech. **T**HAT some of that Bench were necessarily call'd up by words which fell from the Noble Lord who spake third in this Debate, who was pleas'd to mention among other strange Things, *Bishops Voting contrary to their Doctrines*. That the Opinions of several of the Reverend Prelates had been read before their Lordships in *Westminster-Hall* : They were first quoted by the Council for the Defendant, and by their Order read in such a partial and unfair manner, that if he might be allow'd to use any other Author after the same way, to take a naked Proposition out of his Book, and not consider the Coherence or Dependence of the Words how it may be explain'd or limited in other Places, to read just so far as may serve his Purpose, and stop when any thing follows that may set the Matter in a just Light, He durst undertake to make any Author speak on which-ever side of the Question he pleas'd.

But the *Managers* for the Honourable House of Commons did Justice to those Reverend Prelates by obliging the *Clerk* to read other Passages in their Books, which clearly explain'd their Opinions ; and so the only Purpose that was eventually serv'd by producing those Quotations, was that which he fear'd was not intended, the vindicating those Reverend Prelates from the uncharitable Imputation of having asserted a *Doctrine* in their *Writings* which they had contradicted by their Practices, in relation to the *Revolution* and the Government founded upon it.

That he hop'd to be able to reconcile the Vote which he should give, with the Opinion which he had always been of, and which having not been produced below, he stood up to give it their Lordships here, being far from censuring, far from entertaining the least disrespectful Thought of any that should differ in Opinion from him.

He own'd the Subject now in debate, was a matter of great Consequence, and of great Nicety and Tenderness ; and that he, who should presume to entertain their Lordships upon it, ought to be better qualified, and better prepar'd than he was in other Respects, but he would give place to none in those that follow'd, viz. in delivering himself with that Respect and Deference which is due to that House, that humble Diffidence which becomes a just Consciousness of his own Weakness, and that Plainness and Sincerity which becomes that Character, which however unworthy of it, he had the Honour to bear ; and then he was sure he might depend upon their Lordships known Candor, Honour and Justice, that if any thing should fall from him less correct, or less guarded than it ought to be, it should receive the most favourable Construction that it was capable of. That before he deliver'd his Opinion, he beg'd leave briefly to state the Question, and in order to that to lay down Two Premisses.

1. That Government in general, was in its original Institution, design'd for the Good of the whole Body ; Men were not form'd into Societies, only to be the Subjects of the arbitrary Wills, the slavish Instruments in the gratifying the Ambitious or other corrupt Designs, of any one or more Men ; but for the Safety and Prosperity of the whole Community.

2. That in the Holy Scriptures (as far as he could find) there is no Specification of any one particular Form of Government to which all Nations and Bodies of Men, in all Times and Places ought to be subject ; nor are there such exact Accounts of the extent of the Power of the Governour or Obedience and Submission of the Governed, as can reach to all Cases that may possibly happen.

Then he urg'd, that there are many general Precepts requiring the Obedience and Submission of Subjects to their Governors : *Let every Soul be subject to the Higher Powers ; you must needs be subject not only for Wrath, but also for Conscience-sake ; He that resists, resists the Ordinance of God ; And submit your selves to every human Constitution for the Lord's sake, &c.*

But yet these Scriptures do not tell us how far we must obey and be Subject, nor do they necessarily imply that there can never be any Cases wherein we may not obey and not be subject, but resist ; because there are other Places in Scripture, where other Duties are required in Terms as large and general as these, nay in universal Terms, which yet must admit of Exceptions. That some of the most zealous Contenders for the Absolute Power of the Prince, and unconditional Submission of the Subject, found themselves very much upon the Fifth Commandment, *Honour thy Father and Mother*, which they expound as comprehending Political as well as natural Parents, and

and he  
timed  
their  
the A  
is sure  
Mens  
Parent  
will a  
this P  
tions u  
Child's  
the Co  
are not  
that an  
the Ch  
permit  
a fit of  
to kill  
from h  
stand f  
May h  
Life, d  
ple wit  
turally  
tion, w  
Law of  
of the  
Constitu  
tical Pa  
only th  
He d  
an abso  
bly con  
which  
man, S  
Princes  
lica Ang  
in that  
Author  
and ab  
Parliame  
among  
Successio  
er with  
low tha  
others  
their C

and he did not gain-say it : But then pray, my Lords, *continued he*, let us see in what Terms the Duty of Children to their natural Parents is required in Scripture : *Children*, says the Apostle, *obey your Parents in all Things* ; This Expression is surely universal enough ; and from hence according to some Mens Reasoning, it must follow, if Children must obey their Parents in all Things, then they may resist in none. But will any Body say, that notwithstanding the Universality of this Precept, there may not be some Exceptions and Limitations understood, both as to the *Active* and *Passive* Part of the Child's Obedience ? As to the *Active*, no one will deny, but the Command must be restrain'd to *Licita & Honest* ; they are not to obey in all Things absolutely, but in all Things that are Lawful and Honest. And as to the *Passive* Part of the Child's Obedience, the *Submission* or *Non-resistance* requir'd, permit me to put a Case. Suppose a Parent in a *Phrenzy*, in a fit of *Drunkenness* or *Passion*, draws his Sword and attempts to kill his innocent Son, and the Son has no way to escape from him ; is he oblig'd by this Duty of *not Resisting*, to stand still and let his Father sheath his Sword in his *Bowels* ? May he not, tho' he must still have a care of his Father's Life, defend his own ? May he not put by the Pass, grapple with his Father, and disarm him if he can ? My Lords, surely he may ; That prime Law of Nature, of *Self-Preservation*, will justify him in it : And then why may not the same Law of *Self-Preservation* justify the Political Child, the Body of the People, in defending their Political Life, i. e. their *Constitution*, against plain and avow'd Attempts of the Political Parent utterly to destroy it ? And it is upon this Point only that I shall state the Question.

He did allow, that in all *Governments* whatsoever there is an absolute Power lodg'd somewhere. With us, as he humbly conceived, that Power is lodg'd in the Legislature ; for which he had the Authority of a great Politician and Statesman, Sir *Thomas Smith*, who was *Secretary of State* to two Princes, *K. Edw. 6.* and *Q. Eliz.* who in his Book, *De Republica Angl.* a Book seen and allow'd as is said in the Title Page, in that *Chapter* where he treats of our Parliaments and the Authority thereof, lays down this Assertion, *The most high and absolute Power of the Realm of England consisteth in the Parliament* ; and giving particular Instances of that Power, among others mentions this, *That the Parliament gives Forms of Succession to the Crown.* He insisted, that the Executive Power with us is lodg'd with the Prince ; and he did readily allow that the Prince so vested with the *Executive Power*, and all others lawfully Commission'd by him, Acting according to their Commission, and within those Laws, with the Execu-  
tion



tion whereof he and they are respectively trusted, are *Irresistible*: The Person of the Prince is always inviolable: No personal Faults in him; no Injuries to particular Persons, where they can have no Redress by Law, as in several Cases they may have; no general *Male-Administration*, whereby the Publick may be greatly hurt, can justify any forcible Resistance of his *Subjects*; nor any thing less than a *total Subversion of the Constitution*. But if in a legal Monarchy, where such *Laws* have been enacted by common consent of Prince and People, as are to be the *Measures* of his *Government* as well as of their *Obedience*, that limit his Power as well as secure their Rights and Properties, the Prince shall change this Form of *Government* into an absolute *Tyranny*, set aside those *Laws*, and set up an *Arbitrary Will* in the room of them; When the Case is plain, and when all *Applications* and *Attempts* of other Kinds prove unsuccessful; If then the *Nobles* and *Commons* join together in Defence of their *Ancient Constitution, Government and Laws*, he could not call them *REBELS*. And desired their Lordships to allow him to lay before them a few Things in Maintenance of what he had advanc'd. And he would humbly offer some Facts, which he allow'd did not directly prove what he had said to be true, but they did prove it to have been the Opinion of our Princes, Parliaments, Clergy and People in the Reigns of those three great Princes, Q. *Eliz.* K. *James* and K. *Charles I.* He meant the *Assistances* which those Princes gave to the Subjects of other Countries that were resisting their respective Princes; and to enable them to do so, they had *Subsidies* given them in *Parliament* and *Convocation*—, and there were Prayers compos'd and used for the Success of their Arms.

That surely, if those *Princes, Parliaments, Clergy and People*, had been of Opinion, that the *Resistance* of Subjects against their Princes, was in no Case lawful, but always damnable *Rebellion*; they would never by aiding and assisting such *Rebels* have involved themselves in the Guilt, and expos'd themselves to the dangerous Consequences of such a Sin. That he mention'd not the particular Stories, because they were better known to their Lordships than to him, and because he doubted not but in the Course of this Debate, some Lord or other would give a larger *Account* of them; but he could not forbear observing one thing relating to that Assistance, which that Pious Prince, and now Glorious Saint in Heaven, King *Charles the First*, gave to the *Rochellers*, who were surely the Subjects of the King of *France*; he order'd a *Fast* by *Proclamation*, and appointed a *Form of Prayer* to be drawn up for the Imploping of God's Blessing. That it was highly probable that Bishop *Laud* had the great Hand in compoling those Prayers.

Prayer  
and t  
Disgr  
read  
Hosts,  
in the  
and e  
and de  
ed Ch  
thoug  
they  
observ  
lent K  
the B  
who  
have r  
Favou  
thoug  
and as  
his O

2.  
what  
of a B  
Time  
Her R  
his Pa  
ting, I  
giance,  
and w  
ed Pra  
by wh  
milies  
wrote  
ject, h  
is Inti  
Unchris  
Christi  
whom  
I busie  
suits) a  
bels: C  
People n  
ged with  
ample?  
go about  
Form of  
Laws est  
ind

Prayers, he being then Bishop of London, and in great Favour, and the Arch-bishop of Canterbury, Abbot, at that time in Disgrace. But whoever compos'd them, he begg'd leave to read part of one of the Collects in that Office. O Lord God of Hosts, that givest Victory in the Day of Battle, and Deliverance in the time of Trouble, We beseech thee to strengthen the Hands, and encourage the Hearts of thy Servants in fighting thy Battles and defending thy Altars that are among us, and in all the reformed Churches. That it seems the reformed Churches were thought to have God's Altars among them then, however they have been vilify'd since. But that which he would observe from this Passage was this, That neither that excellent King who commanded those Prayers to be composed, nor the Bishops who compos'd them, nor the Clergy and People who us'd and join'd in them, could in so solemn a manner have recommended those Forces to the Divine Protection and Favour, and as such as were fighting Gods Battles, if they had thought they were fighting against God in his Vice-gerent, and as defending his Altars if they believed they were resisting his Ordinance.

2. That he could produce several Authorities in support of what he had laid down, but he should mention but one, out of a Book written professedly on this Subject, in Q. Elizabeth's Time; that every one that is acquainted with the History of Her Reign knows what Attempts were made by the Pope and his Party against her Government and Life, by Excommunicating, Deposing Her, Absolving Her Subjects from their Allegiance, by raising Tumults and Insurrections, by Dagger, Poyson, and what not: And 'tis certain, that they were these wicked Practices of the Pope and his Followers, and the Doctrines by which they justify'd them, that the Compilers of the Homilies which were then made, and other Authors who then wrote about the Power of the Prince and the Duty of the Subject, had principally in their View: That the Book he meant, is Intituled, *The true Difference between Christian Subjection and Unchristian Rebellion*, written by way of Dialogue between a Christian, whom the Author calls *Theophilus*, and a Jesuit whom he calls *Philander*. That *Theophilus* the Christian says, *I busie not my self in other Mens Commonwealths as you (the Jesuits) do, neither will I rashly pronounce all that resist, to be Rebels: Cases may fall out even in Christian Kingdoms, where the People may plead their Right against their Prince, and not be charged with Rebellion.* *Philander* the Jesuit asks; *as when for Example? Theophilus* the Christian replies thus. *If a Prince should go about to subject his Kingdom to a Foreign Realm, or change the Form of the Commonwealth from Impery to Tyranny, or neglect the Laws establish'd by common consent of Prince and People, to execute*

cute his own Pleasure ; in these and other Cases, which might be  
 named, if the Nobles and Commons join together to defend their  
 ancient and accustom'd Liberty, Regiment and Laws, they may not  
 well be accounted Rebels. That this Book is said, in the Title  
 Page, to have been perused and allowed by publick Authority ;  
 was written by a great Man, Dr. Bilson then Warden  
 of Winchester College ; Printed at Oxford by the University  
 Printer and Dedicated to Q. Elizabeth ; and the Author was  
 afterwards made Bishop of Winchester. That he could offer  
 many other Authorities not from false Sons or perfidious Pre-  
 lates of the Church, not from Men of Faction and Antimonar-  
 chical Principles in relation to the State, but venerable Names,  
 Ornaments to the Ages they liv'd in, and such as will be re-  
 membred with Honour in succeeding ones : But he was su-  
 perfeded in producing, and their Lordships trouble saved in  
 hearing more particular Quotations to this Purpose, by what  
 was yielded by a Reverend Divine of great Parts and Learn-  
 ing, far enough from the Suspicion of being prejudic'd against  
 the Rights of Princes, or partial to those of the People, he  
 meant the Reverend Dean of Carlisle, who in a Latin Discourse  
 Preach'd and Printed in this Town upon the Duty of Submis-  
 sion, stating some Cases of extreme Necessity, and putting the  
 Question, *Whether it may not be lawful for the People in such Ca-  
 ses to resist ?* answers, *Viri boni Et graves, &c.* That Good and  
 Judicious Men, Men that have taken great and useful Pains in de-  
 fending the Rights of Princes, and repressing popular License, have  
 contended that it is Lawful : He adds indeed, *whether they have  
 done Right or Wrong, let others judge, and does not give his own  
 Opinion.* But since he had granted, that such Men as he had  
 described, Men of Probity and Judgment, zealous Assertors of the  
 Rights of Princes, and Repressors of popular License, have con-  
 tended that in Cases of extreme Necessity, it is lawful for the  
 People to defend themselves ; he might comfort himself, if he  
 err'd in his Opinion, that he err'd in good Company. But  
 he humbly conceived he did not err, and that, 3. For this  
 plain Reason, That if it be utterly unlawful to Resist in any  
 Case whatsoever, even that of a total Subversion of the Con-  
 stitution and Laws ; then there is no distinction of Governments,  
 of Absolute, he meant, and Limited ; or if there be a distinction,  
 it is a nominal one without any real difference ; for what dif-  
 ference is there between a Prince's governing Arbitrarily  
 without Law, and governing Arbitrarily against Law ? Be-  
 twixt having no Laws at all, and having precarious Laws  
 that depend intirely on the Will of the Prince, whether he  
 will oblige one of them or subvert them all, and if he does,  
 the People cannot help themselves ? But he hoped and be-  
 lieved that there is a real distinction of Governments, and that  
 the



the Subjects of all Governments are not in the same wretched Condition that those of *France* and *Turkey* are in. He hoped we have not boasted falsely or vainly of our own Form of Government, that we are bless'd with a Constitution more happy than any other Nation in the World enjoys, that allows and secures as great, and (he had almost said) God-like Powers and Prerogatives to the Crown as any wise and good Prince can desire, a Power of doing every thing that is Good and nothing that is Ill, and at the same time secures most valuable Rights and Privileges to the People.

What wise or good Prince, (added he) would not rather chuse to reign over free Subjects, than tyrannize over Slaves? to receive a willing cheerful Obedience proceeding from the Principles of Gratitude, Love, and Interest as well as of Duty, rather than a forced one, owing meerly to a Principle of Fear, the Principle from whence the *Indians* worship the Evil Spirits? My Lords, such a Frame of Government your Lordships have receiv'd from your Ancestors; and I hope and trust, that in grateful Respect to their Memory, and in tender Regard to your Posterity, [I say nothing of *our selves*, my Lords; for as for us who have the Happiness to live under the Government of the best of Princes that ever Heaven bless'd a Nation with; for us, I say, were our Government as Arbitrary as any in the *East*, yet I should think our Rights, Liberties, and Properties, and whatever is most dear and valuable to us, as safe as if they depended intirely upon Her Majesty's Gracious Will, as they are now they are secured to us by our Laws, or stronger Fences, if they could be made] but I speak in regard to those that are to come after us; and I do hope and trust, that as your Lordships have receiv'd such an inestimable Treasure from your Predecessors, you will transmit it inviolable to your Posterity.

That he feared he tired their Lordships, but he must beg their Patience a little longer, while he express'd his Surprise and Wonder that the Doctrine of *Passive Obedience* and *Non-Resistance*, in the unlimited Extent in which some explain it, was so diligently inculcated, and so zealously press'd at this Time. That *Passive Obedience*, he own'd, when truly stated, is a truly Christian Duty, a perpetual Duty as to the *Obligation*, but occasional as to the *Practice* of it. That Preachers do not usually, neglecting the pressing of other Duties of more constant Practice, lay out their Time and Labour in filling both Pages of their Discourses with earnest Assertions and violent Exhortations to the Practice of an Occasional Duty, unless they have some near Prospect of an occasion for the Exercise of it. And yet, my Lords, continued he, has this one Duty been, of late, more frequently and earnestly asserted and un-

ged both from Pulpit and Press, than all the other Duties of Christianity : And what occasion for this does any one pretend to have in View ? Can there be a Wretch so abandon'd, so lost to all Sense of Gratitude and every thing that is good, as to be capable of admitting a Thought, that our gracious Queen has done, is doing, or intending to do any thing, that may give her Subjects occasion for the Practice of this Duty ? Has she not ever since her happy Accession to the Throne, postponed, sacrificed her own Repose and Ease to the Quiet and Happiness of her Subjects ? Has she not clearly shown that she has nothing so much at Heart, as the Good and Prosperity of her People, the true Interest and Honour of Her Kingdom, which she has carried higher than any of her Royal Predecessors ever did before her ? Has she not approv'd Her self a true Parent of Her Political Children, by exercising as prudent a Care of, and expressing on all Occasions as tender an Indulgence to them, as any natural Parents ever did towards theirs ? If then there be no Occasion from the Conduct of our Prince, is there any Reason from the Behaviour of Her People that may justify this extraordinary, and otherwise unseasonable Zeal for this Doctrine ? Do the (excepting such as the Zealots for this Doctrine have excited to disturb her peaceful Reign at home, by rebellious and dangerous Tumults and Insurrections,) shew any Uneasiness under Her Majesty's Government, or Inclinations to throw it off ? Do they not bless their Glorious Queen and God for her ? Do they not on all Occasions express their grateful Sense of the many inestimable Blessings they enjoy through her Administration ? Do not they constantly offer up their devout Prayers to God for her long Life and happy Reign ? Do they not willingly pay their Taxes for the Support of her Government, cheerfully expend their Treasure and Blood too in Defence of it ? What then can be said for such a Conduct which can have no other natural Tendency than to create unreasonable Jealousies of her People in the Head of our Queen, and groundless Fears of their Queen in the Hearts of her People. Jealousies in the Queen, that her Subjects are inclinable to rebel against her, when the Clergy think it necessary thus to press these Restraints upon them ; and Fears in the People, when their Pastors are so industriously preparing them for Sufferings ?

He added, That he would not be thought to charge upon all that hold and assert this Doctrine, the Consequences which he might with too much Reason charge upon some of them ; he meant such as did not allow Her Majesty's Title to the Crown, but refused to take the Oaths to Her, or join in Prayer for Her, and had upon that account form'd one of the most *unaccountable Schisms* that ever was made in the

Church :

Church  
ing this  
dicatio  
etween  
*Athalia*

Hor  
do the  
Consec  
casion  
on ; th  
cern'd  
tinued  
nation  
pentau  
tion, u

Tha  
son no  
to carn  
had sta  
hood, v  
for the  
to thei  
to defe  
cing a  
and W  
ctrine  
that C  
this G  
express  
ther, u  
Necess  
Client  
had qu  
Doctri  
ing the  
be cha  
thers  
had no  
vourab  
Cases  
the Re  
ted the  
assert  
been t  
cily i  
more  
lusion,

Church : That some of these had engaged zealously in asserting this Doctrine ; and one of them in a Paper written in Vindication of it, had not been afraid to insinuate a Parallel between the Case of *Her Majesty* and the *Pretender*, and that of *Athaliah* and *Joadab*.

Horrid Suggestion that would make one tremble ! What do these Men mean ? Any Service to Her Majesty ? No : The Consequences as to them are plain. If to Resist upon any Occasion whatever, be unlawful, be *Rebellion*, *damnable Rebellion* ; then the *Revolution* was *Rebellion*, and all that were concern'd in it are involv'd in that Guilt ; then we have continued in a *Rebellion* ever since ; then if we would avoid Damnation, we must repent of that Sin ; but there is no true Repentance without Restitution, and if there must be Restitution, they will tell you what that is.

That he would charitably hope, that the unfortunate Person now in Judgment before their Lordships, did not intend to carry Matters so far : But he must say, his Doctrine as he had stated and managed it, under his Head of *False Brotherhood*, with relation to the State, did give too great a Handle for those that had such Views, to improve what he had said to their Purposes. That the Council for him had labour'd to defend him against the Charge in this Article, by producing a great many Quotations out of the *Homilies*, *Statutes*, and *Writings* of Divines, dead and living, wherein this Doctrine has been laid down generally. But they all allow'd that Cases of extream Necessity were always excepted out of this General Doctrine ; and that tho' the Exception was not express'd, yet it was always imply'd ; And they allow'd farther, that the Case of the Revolution was a Case of such Necessity : But how did they apply this to the Case of their Client ? Thus : They said, that those Divines whom they had quoted, were never found fault with for asserting the Doctrine in general Terms, not expressing but tacitly implying the Exception ; Then they ask'd why should the Doctor be charged for asserting the Doctrine in General Terms as others had done, not expressing the Exception which they had not express'd ? Why should not he be intitled to the favourable Construction of tacitly implying the Exception of Cases of Necessity, such a Necessity as they allow'd justify'd the Revolution ? That indeed he should readily have admitted the Plea, if the Doctor had done no more than barely assert the Doctrine in general Terms, and his only Fault had been that he had not express'd the Exception which he tacitly imply'd : But (added his Lordship) has he done no more than this ? Has he not mention'd the *Case of the Revolution*, with no other View, as I can see, than to expose it,

not



not as an Exception out of his general Position, but an Objection against it? *Our Adversaries*, says he, that is, those that oppose his General Doctrine, *think they have us sure; i. e.* effectually confute that Doctrine, *by objecting the Revolution.* This Objection must suppose that there was Resistance at the Revolution; for to say that the General Doctrine, that it is not lawful in any Case to resist, is not true, because the Revolution was lawful, in which there was no Resistance, would be a wonderful Objection indeed: I say, Resistance must be suppos'd in the Objection, to make Sense of it. How then does he solve this Objection? Does he say the General Doctrine always implies an Exception of Cases of Necessity? that the Revolution was a Case of such Necessity; and therefore that Necessity justify'd the Resistance at the Revolution? No, but by advancing a strange Position (which he proves by as strange a Medium) *viz. That there was no Resistance at the Revolution:* plainly implying, that if *there was Resistance at the Revolution*, which every Body knows there was, *the Revolution stands condemn'd* by his General Doctrine. So that I cannot see that his Learned Council, who wanted neither Abilities nor Inclinations to serve him; have at all defended him against the Charge in this Article. But this they have effectually done, they have given up his General Doctrine, if it admits of no Exceptions; and thereby clear'd the Revolution and the *necessary means* whereby it was brought about; from those black and odious Colours which he endeavour'd to cast upon them.

That after all, he could truly appeal to his own Heart, and a greater than it, the Searcher of it; that he was not any ways prejudiced against the Person of the unhappy Prisoner, but rather in favour of him, as he was of all Men in his suffering Circumstances; by a natural Tendernefs (it may be a Weakness; but such a one as he could not help) which never suffer'd him; however oblig'd in Justice to it, to do a hard thing to any one however deterving it, without doing at the same time a hard thing to himself: And if their Lordships should be of Opinion in the Conclusion of this Trial, That the Commons had made good their Charge against him; he was sure he could come into as easy a Sentence upon him as might be consistent with the Honour and Justice of their Proceedings; and with that which he took to be the chief End in all Punishments, *not so much the hurting the Offender, as the preventing the like Offences*, and hindring others from committing them for the future. But that still there was surely a Tendernefs and Compassion due to our Queen, our Country, and our Posterity, all which he humbly apprehended were highly concern'd in the Issue of this Affair.

That

That  
Serm  
Refle  
conce  
Nobi  
this,  
Estab  
and u  
which  
My  
Pardo  
will c  
these  
and e  
Tenden  
put to  
effectua  
Reason  
ships,  
in the  
verell.  
Seve  
Duke  
Sommer  
lution;  
necessar  
made g  
Dukes  
chefer,  
Garmart  
& Wells  
read su  
rel's Se  
guilty o  
never kn  
who ma  
in the  
would  
of Orang  
Bishop o  
gality ob  
on that  
People v  
the oppo  
inforc'd.  
After  
That r  
Impeachm

That if Clergy-men may with Impunity publickly in their Sermons arraign and condemn the Revolution; besides the Reflections they cast upon all the worthy Patriots that were concern'd in that great Work; the Commonalty, Gentry, and Nobility, Lords upon every Bench in this House; besides this, it must shake and sap the very Foundation of our present Establishment as it stands upon the Foot of the Revolution; and utterly destroy our future Hopes in the Protestant Succession, which is founded upon that bottom only.

My Lords, (said he in the Conclusion) I must humbly ask Pardon for having trespass'd so long upon your Patience, and will conclude with this one Word, That in my Opinion; *these practisings of Clergymen* (to use the Expression of a great and eminent Prelate) *in State Matters, are of that dangerous Tendency and Consequence, that if there be not some effectual Stop put to these Practisings, these Practisings will, in time, put an effectual End to our Constitution.* The Commons had therefore Reason to bring this Matter in Judgment before your Lordships, and I think they have fully made good their Charge in the first Article of their Impeachment against Dr. Sacheverell.

Several other Peers, particularly the Earl of Wharton, the Duke of Devonshire, the Lord Chancellor, and the Lords Sommers and Halifax, spoke in Vindication of the late Revolution; maintain'd that in extraordinary Cases Resistance is necessary and lawful; and concluded that the Commons had made good the first Article. The Archbishop of York, the Dukes of Leeds and Buckingham, the Earls of Nottingham, Rochester, and Anglesea, the Lords Gernsey, North & Grey, and Carmarthen, and the Bishops of London, Rochester, and Bath & Wells, who spoke on the other side, declared they never read such a piece of Madness and Nonsense, (as Doctor Sacheverell's Sermon Preach'd at St. Pauls;) but did not think him guilty of a Misdemeanour: The Earl of Anglesea adding, *He never knew Nonsense to be a Crime.* The D— of L—, who made a very long Speech, own'd he had a great share in the late Revolution; but said he never thought things would have gone so far as to settle the Crown on the Prince of Orange. The Bishop of Bath & Wells allow'd what the Bishop of Oxford had advanc'd about the Necessity and Legality of Resistance in extraordinary Cases; but was of Opinion that Doctrine ought to be kept from the Knowledge of the People who were naturally too too apt to Resist; and that the opposite Doctrine ought rather to be maintain'd and inforc'd.

After a long Debate this Question was propos'd,  
That the Commons have made good their first Article of Impeachment against Henry Sacheverell, Doctor in Divinity.  
And

And after further Debate thereupon :

The Question was put, whether this Question shall be now put.

Which was Resolved in the Affirmative.

Dissentient,

Because we humbly conceive, there are no Reflections therein contained on the Memory of the late King *William* nor the *Revolution*, and that there is no Offence charged therein upon Doctor *Sacheverell*, against any known Law of the Land.

<i>Hamilton,</i>	<i>Rochester,</i>	<i>Lexington,</i>	<i>Anglesey,</i>
<i>Suffolk,</i>	<i>Scarborough,</i>	<i>Leigh,</i>	<i>Nottingham,</i>
<i>Poulet,</i>	<i>Guilford,</i>	<i>Osborne,</i>	<i>North &amp; Grey,</i>
<i>Mar,</i>	<i>Yarmouth,</i>	<i>N. Duresme,</i>	<i>Scarsdale,</i>
<i>Weston,</i>	<i>R. Ferrers,</i>	<i>Jo. Ebor,</i>	<i>Berkley Str.</i>
<i>W. Cestriens,</i>	<i>Geo. Bath &amp;</i>	<i>Ormonde,</i>	<i>Guernsey,</i>
<i>Plimouth,</i>	<i>Wells.</i>	<i>Shrewsbury,</i>	<i>Thanet,</i>
<i>Wemyss,</i>	<i>Stawell,</i>	<i>Buckingham,</i>	<i>Fersey,</i>
<i>Leimptster,</i>	<i>Abingdon,</i>	<i>Northesk,</i>	<i>Conway,</i>
<i>Tho. Roffen.</i>	<i>Northampton,</i>	<i>Say &amp; Seale,</i>	<i>H. London,</i>
<i>Denbigh,</i>	<i>Craven,</i>	<i>Chandos,</i>	<i>Dartmouth,</i>
<i>Suffex,</i>	<i>Weymouth,</i>	<i>Beaufort,</i>	<i>Haversham,</i>
<i>Berkshire,</i>			

Then the main Question was put :

That the Commons have made good their first Article of Impeachment against *Henry Sacheverell*, Doctor in Divinity.

It was Resolved in the Affirmative.

Dissentient,

Because by the Laws of the Land, the Laws of Parliament, and the inherent Right of Peerage, every Peer is to judge for himself, both of the Fact, as well as of the Law, and cannot be precluded from it, by any Majority, which indeed must determine the Case in respect of the Criminal, but never did, nor can preclude any Lord from Voting the Party accused, Guilty or Not Guilty of the Fact, as well as of the Crime of such Fact.

<i>Suffex,</i>	<i>Geo. Bath &amp;</i>	<i>Thanet,</i>	<i>Beaufort,</i>
<i>Yarmouth,</i>	<i>Wells,</i>	<i>Northampton,</i>	<i>Denbigh,</i>
<i>Fersey,</i>	<i>Berkshire,</i>	<i>Nottingham,</i>	<i>Scarsdale,</i>
<i>W. Cestriens,</i>	<i>Rochester,</i>	<i>Scarborough,</i>	<i>R. Ferrers,</i>
<i>Conway,</i>	<i>Plymouth,</i>	<i>Weymouth,</i>	<i>North &amp; Grey,</i>
<i>H. London,</i>	<i>Howard,</i>	<i>Stawell,</i>	<i>Osborne,</i>
<i>Tho. Roffen,</i>	<i>Leigh,</i>	<i>Guernsey,</i>	<i>Abingdon.</i>

March

\* See  
peachme  
† Dr.



**March 17th, Debates in the House of Lords  
about the Second Article.**

*The next Day, according to Order, the Lords took into Consideration the Second Article of the Commons Impeachment against Henry Sacheverell, Doctor in Divinity, and the Lord Bishop of Lincoln open'd the Debate with a fine Speech, importing,*

*The Bishop of Lincoln's* **T**HAT it was the Misfortune of some of their Bench, that in the Prosecution of the foregoing Article of this Impeachment, a noble Lord who spoke very early to that Point, was pleas'd not only to Anticipate their Judgment in that Particular; but to do it with this pretty Hard Reflection, That in giving it, as He suppos'd, they would, they should *Vote contrary to their own Doctrine*. That it was not improbable but that, in the Course of the present Debate, another Arrow might be drawn out of the same \* Quiver to shoot at them, and they might be told, that in defending of the † *Toleration granted by Law to the Dissenters*, they shew'd themselves to be *Apologists from their Own Order*. But from both these Imputations he was perswaded, both their *Writings*, and their *Actions*, would secure them in the Judgment of all indifferent Persons.

That the Substance of this Second Article of the Impeachment; which their Lordships were now about to enter upon, was this: *That Dr. Sacheverell in his Sermon doth suggest and maintain, That the Toleration granted by Law, is Unreasonable, and the Allowance of it unwarrantable. That he is a False Brother with Relation to God, Religion, or the Church, who defends Toleration; and Liberty of Conscience. That Q. Elizabeth was deluded by Archbishop Grindal to the Toleration of the Genevian Discipline: And that it is the Duty of Superior Pastors to thunder out their Ecclesiastical Anathemas against Persons entituled to the Benefit of the Toleration; and insolently dares, or defies, any Power on Earth to reverse such Sentences.* That this was the sum of this part of the Commons Charge against Dr. Sacheverell, and he thought the Managers had fully made it out; not by bare Intendments, by unnecessary Implications, and forced Constructions; not by piecing together broken Sen-

\* See Dr. Sacheverell's Answer to the First Article of Impeachment, His Speech; Fol. Pag. 23.

† Dr. Sacheverell's Sermon at St. Paul's, Page 8.

tences, and Conjoining of distant and independent Passages, (as he had unjustly Complain'd ;) but by the plain Words, and necessary meaning, of a very great Part of his Discourse.

But before he troubled their Lordships with the Proof of this, he desired leave, upon this Occasion, (tho' it were no part of the Impeachment laid against the Preacher) to observe to their Lordships what a strange Account he had thought fit to publish of that other popular Engine, which, he said, had been made use of \* *to pull down the Church*, and which he called by the Name of Comprehension.

That the Person who first concerted this supposed Design against our Church, was the late most Reverend Dr. *Sancroft*, then Archbishop of *Canterbury*. The Time, was towards the End of that unhappy Reign, of which so much was said upon the Occasion of the foregoing Article. Then, when we were in the height of our Labours, defending the Church of *England* against the Assaults of Popery, and thought of nothing else; that Wise Prelate foreseeing some such Revolution as soon after was happily brought about, began to consider how utterly unprepared they had been at the Restoration of King *Charles* the II<sup>d</sup> to settle many Things to the Advantage of the Church; and what a Happy Opportunity had been lost for want of such a previous Care, as he was therefore desirous should now be taken, for the better and more perfect Establishment of it. It was visible to all the Nation, that the more moderate Dissenters were generally so well satisfied with that Stand which our Divines had made against Popery, and the many unanswerable Treatises they had publish'd in Confutation of it, as to express an unusual Readiness to come in to us. And it was therefore thought worth the while, when they were deliberating about those other Matters, to consider at the same time what might be done to Gain Them, without doing any Prejudice to our selves. That the Scheme was laid out, and the several Parts of it were committed, not only with the Approbation, but by the Direction of that Great Prelate, to such of our Divines as were thought the most proper to be intrusted with it. His Grace took one Part to Himself: Another was committed to a then Pious and Reverend † Dean, afterwards a Bishop, of our Church. The reviewing of the Daily Service of our Liturgy, and the Communion-Book, was referr'd to a Select Number of Excellent Persons, ‡ two of which were at this time upon our Bench; and would, he was sure, bear Witness to the Truth of his

\* Sermon, pag. 16. 17.

† Dr. *Patrick* Bishop of *Ely*.

‡ The Archbishop of *York*, and Bishop of *Ely*.

R  
an  
En  
di  
An  
sid  
for  
turn  
Ob  
tho  
dic  
but  
fam  
To  
may  
of  
ters  
lian  
know  
at t  
mor  
from  
ten  
two  
Reig  
now  
the v  
sage,  
Alter  
be Al  
Alter  
defect  
per U  
Impro  
the Ch  
We ha  
the Ch  
neft b  
An  
Confic  
justly  
When  
\* A  
Bill fo  
Comm  
Pag. 2

Relation. That the Design was, in short, this: To improve, and, if possible, to enforce our Discipline; to Review, and Enlarge our Liturgy; by Correcting of some things, by Adding of others; and, if it should be thought advisable by Authority, when this Matter should come to be legally consider'd, first in Convocation, then in Parliament; by leaving some few Ceremonies, confess'd to be indifferent in their Natures, as Indifferent in their Usage, so as not to be necessarily Observed by those who made a Scruple of them; till they should be able to overcome either their Weaknesses, or Prejudices, and be willing to comply with them.

That how far this good Design was not only known to, but approved of by, the Other Fathers of our Church; that famous Petition for which Seven of them were sent to the Tower, and which contributed so much to our Deliverance, may suffice to shew. That *the Willingness they there declared of coming to such a Temper as should be thought fit with the Dissenters, when that Matter should be consider'd, and settled, in Parliament and Convocation*, manifestly refer'd to what was then known to several, if not all of the Subscribers, to have been at that very Time under Deliberation. And that nothing more was intended than he had before said, was as evident from what was publickly declared in a Treatise purposely written to recommend the Design when it was brought before the two Houses of Parliament, in the Beginning of the late Reign; and Licensed by the Authority of a Noble Peer, now present, who was at that time Secretary of State: In the very Beginning of which there is this Remarkable Passage, which he begg'd leave to read to their Lordships: \* *No Alteration, that I know of, is intended but in Things declared to be Alterable by the Church it self. And if Things Alterable be Altered upon the Grounds of Prudence and Charity; and Things defective be supplied; and Things Abused be Restored to their proper Use; and Things of a more Ordinary Composition, Revised and Improved; whilst the Doctrine, Government, and Worship of the Church remain intire, in all the Substantial Parts of Them; We have all reason to believe that this will be so far from injuring the Church, that, on the contrary, it shall receive a very great Benefit by it.*

And now, my Lords, added he, let any impartial Person Consider, what was there in such a Design that could be justly esteem'd prejudicial to the Constitution of our Church? Wherein would our Canons have suffer'd, if Those already

---

\* A Letter to a Member of Parliament in favour of the Bill for *UNITING PROTESTANTIS*: Licensed by the Command of the Earl of Shrewsbury: April 1. 1689. *Ja. Veruon.*



made, had been more strongly Enforced; and some New Ones had been Added, for the Reformation of Manners; for the better punishing of Notorious Offenders; and to render our Publick Discipline more strict, and severe? This we have been Wishing for, ever since the Reformation: What Harm would it have done our Church had it now been Effected? Or how would our excellent Liturgy have been the worse, if a few more doubtful Expressions had been Changed for plain-er, and clearer; and a passage, or two, which however capable of a just Defence, yet in many Cases seem harsh to some even of our Own Communion, had either been wholly left at liberty, in such Cases, to be Omitted altogether; Or been so qualified as to remove all Exception against Them in Any Case. If such Collects, as are not yet adapted to the Festivals, or Gospels, to which they belong; had been made more full, and apposite to Both: If some of the Occasional Offices had been Enlarged; and New Ones Added: If, for Example, there had been a greater Variety of Prayers, Psalms, and Lessons appointed by Authority, instead of the Compositions of private Persons, now necessarily to be used, for the Visitation of the Sick; and New Forms composed for the Use of Prisoners for Debt or Crimes: For the greater Solemnity of Receiving Profelytes into our Church; Of Reconciling Penitents to it; and of Casting Notorious Offenders out of it. These were some of the main things that were then design'd: As for any favour to the Dissenters, None, that I know of, was intended, but what should have been intirely consistent with our Own Constitution: And I hope it will not be thought any Crime for the Bishops, and Clergy of our Church, to be willing to enlarge its Communion, by any Methods which may be likely to Gain Others, and yet not injure our Own Establishment.

But to satisfy their Lordships that nothing could have been designed to the Detriment of the Church; he desired them farther to consider, how what was thus at first projected in private, by select Persons, and in a difficult time, when no countenance was to be expected from Authority to any such purpose; was afterwards, if ever, to have been brought to Maturity. And this being a matter of publick Notice, the relation of it would admit of no Exception. That no sooner were their late Majesties, of Glorious Memory, seated in their Thrones, but this Design was openly Espoused by them. A Commission was issued out, under the Great Seal of England, to a large number of Bishops, and other Eminent Divines, to meet together, and to consider of these Matters. What they did, having not had the Honour to be one of them, he should not presume to say. This, said he, we know, that whatever they did, it was to have been carried

on  
York  
it v  
Parli  
This  
desig  
pass  
our  
these  
Th  
that  
Com  
now  
he h  
speak  
to be  
neith  
her I  
ing o  
ly C  
and I  
Her  
Sense  
Repr  
coun  
this  
Hous  
on,  
Hous  
to a  
in th  
thing  
happi  
long  
poth  
Acco  
coln)  
have  
med  
Sanct  
Comm  
Set o  
time,  
Chur  
of th  
ferr'd

on from Them to the two Convocations of Canterbury and York: And after it should have pass'd their Approbations, it was finally to have been laid before the two Houses of Parliament, and so to have gone on to the Royal Assent. This, my Lords, was the Course thro' which all that was designed, or should have been done in this matter, must have pass'd; and I am perswaded nothing very injurious to our Churches Welfare, will ever be able to pass thro' all these.

That Having thus given their Lordships a true account, of that Design which Dr. Sacheverell mentions under the name of Comprehension; he doubted not but that their Lordships will now be amazed to hear, what a false and scandalous Report he had made of it. In the 16th Page of his Sermon, he thus speaks of it: *The worst Adversaries of our Church, says he, were to be let into her Bowels under the Holy Umbrage of Sons; who neither believed her Faith; own'd her Mission; submitted to her Discipline; or Complied with her Liturgy. For the admitting of this Trojan Horse, big with Arms and Ruin, into our Holy City, the Straight Gate was to be laid quite open; Her Walls and Enclosures to be pull'd down; and a High-road made in upon Her Communion. Her Articles to be taught the Confusion of all Senses, Nations, and Languages.* That this is a very strange Representation of so Good a Design, as that he before recounted to their Lordships. Yet this Representation did this bold Man, as confidently, as falsely, make of it in the House of God; and publish to the View of the whole Nation. For thus he goes on: *This pious design of making our House of Prayer a Den of Thieves, of Reforming our Church into a Chaos; is well known to have been attempted several times in this Kingdom, and Lately within our Memory; when All things seem'd to favour it but that Good Providence which so happily interposed against the Ruin of our Church, and blasted the long projected Scheme of these Ecclesiastical Achitophels.* To say nothing more of the Design it self, of which I have given an Account before, Pray, my Lords, (added the Bishop of Lincoln) who were the Achitophels that projected it; and must have concurr'd to the Execution of it? I have already named the First, and Chiefest of them, the late Archbishop Sancroft. The next who openly approved of it, were the Commissioners who met upon it in the Jerusalem Chamber: A Set of Men, than which this Church was never, at any one time, bless'd with either wiser, or better, since it was a Church: \* Who it was that Presided in the Convocation of this Province, to which this Project was next to be re-ferr'd; and who, had it gone on, must have had a chief hand

---

\* The Lord Bishop of London.

in the Management of it, I need not say. Every one who knows any thing at all of his Character; (and I am sure your Lordships are none of you Strangers to it) knows him to be too good a Friend to the Establishment of our Church, to have been capable of being engaged in such a Villainous Design, as Dr. Sacheverell pretends, for the Subversion of it. Or had He been otherwise, yet still the Major part of that Venerable Body must have been as great *Achithophels* as himself, or no Harm could have been done by him. Pardon me, my Lords, if the Course of my Argument obliges me to rise yet one Degree higher, and to say that the like Majority of your Lordships, and of the House of Commons, together with his late Majesty, must All have come into the Plot against the Church; or all the Skill, and Malice, of the Inferior *Achithophels*, would have signified nothing. And what Censure that Man deserves who has the Confidence to insinuate to the World, that the Bishops, the other Clergy, the Conventions; the Parliament, nay, and the late King himself, our Glorious Deliverer; Or at least the greater part of all these, were engaged in a Project *so Monstrous, so Romantic, and Absurd*, (for here I am content to use his own Expressions) *that it is hard to say whether it had more of Villany, or Folly, in it*, I shall submit it to your Lordships to consider. All I design in taking notice of this part of his Sermon, is only to clear the Memory of many excellent Persons who are dead; and to vindicate the Reputation of some still living, and in the highest Stations of the Church; from that Load of Infamy which this Rash Man has with so much Virulence of Speech cast upon them: And to let your Lordships see that nothing was intended in all that Affair but what was both Honourable to those who engaged in it; and I am perswaded would have been for the Interest and Peace of our Church and State, had it been accomplish'd.

That he came now to that which was the proper Subject of the present Debate; namely to offer such Passages to their Lordships, as he humbly conceived did plainly and fully, make out the Second Article of the Commons Impeachment against the Preacher; and prove him to have spoken with more freedom than he ought, not only of the Dissenters themselves, but of the Toleration, or (as he had rather they should call it) the Indulgence granted by Law to them.

That it was not deny'd either by his Council, or Himself, but that he had spoken, and spoken with warmth too, against Toleration: The only Question was, What the Toleration is against which he spake? Whether it was that which has been granted by Law to the Dissenters? Or whether it was only against a general Toleration of *Atheists, Deists, Socinians*; Men of no Principles, perhaps of no Religion? Or at

most a  
granted  
all wa  
charge  
better

Tha  
leave  
thren,  
ligion,  
up any  
8. T  
fend T  
may t  
science  
refers,  
comply  
Person  
in Elec  
fend T  
of Moa  
true Ch  
The T  
which  
those v  
but can  
before  
Reflect  
who d  
lowing  
relation  
against  
Page 8  
suppose  
said w  
press t  
Tolera  
Monst  
sinters  
Liberty  
hardly  
thren a

But  
posed t  
of his  
chiefs  
speakin  
These a  
gal Inc  
most



most against such of the Dissenters as abused the Indulgence granted them by Law; and made use of it to Purposes not at all warranted by it? That the former of these the Commons charged upon him: The latter the Doctor pretended; the better to clear himself of their Charge.

That to determine this Point, he must in the first place beg leave to observe, that among the several sorts of *False-Brethren*, enumerated by the Preacher with relation to God, Religion, or the Church; the Second kind is of those, who give up any Point of the Churches Discipline, and Worship. Page 3. To this he adds, that those are *False-Brethren* who defend Toleration, and Liberty of Conscience. And that we may the better know what Toleration, and Liberty of Conscience, He means; He specifies the very Persons to whom He refers, and of whom He speaks; the *Dissenters*: *If, says he, to comply with the Dissenters both in publick and private Affairs, as Persons of tender Conscience and Piety, to promote their Interests in Elections; to sneak to them for places and preferment, to defend Toleration and Liberty of Conscience, and under the pretence of Moderation, excuse their Separation, are the Criterions of a true Church Man; God deliver Us All from such False-Brethren.* The Toleration therefore, and Liberty of Conscience, against which he speaks, must necessarily be that of the *Dissenters*; those who Separate from our Church: He names no others; but carries the same Persons thro' his whole Sentence, both before and after those Expressions. Either therefore it is no Reflection upon the Act of Indulgence to say that all those who defend the Toleration of the *Dissenters*, and are for allowing Liberty of Conscience to them, are *false-Brethren with relation to God, Religion, or the Church*, Page 6, 7, and such against whom we ought to pray to God to deliver Us All, Page 8: Or if this cannot with any reason be either said, or supposed, then it must remain, that Dr. Sacheverell has here said what the Commons charge him withal; and that in express terms, viz. That He is a false Brother who defends the Toleration, not of *Deists*, *Socinians*, and I know not what Monsters of Irreligion, but of the *Dissenters*: Those same *Dissenters* who by the Act of Indulgence have a right to that Liberty of Conscience of which this Gentleman speaks so very hardly; and prays God to defend Us from all such *False-Brethren* as shall presume to excuse it.

But not to insist upon a single Passage which might be supposed to have dropt unwarily from him. In the Second part of his Sermon, He proceeds to shew the great Perils and Mischiefs of those *False-Brethren*, against whom he was before speaking, both to the Church and State: pag. 15. And that These again are the same Persons who have a right to the Legal Indulgence is so very clear, that I do not see how it is possible

possible for any one to make the least doubt of it. Pag. 18. He describes them as Occasional Conformists to the Church. Pag. 19. *As those who had the Old Leaven of their Fore-fathers still working in them:* And, in the next Sentence, He expressly takes notice of the Religious Liberty which our Gracious Sovereign has Indulged them. This in the very same Sentence He calls their Toleration: (for the Doctor himself is not tied up to any Niceties of Expression; He may call it so, tho' Others may not :) These are the Persons, and the only Persons, of whom he speaks in all that part of his Discourse; let us see what he says of the Indulgence granted by Law to them.

And first, he tells us, Page 18. *That it cannot be deny'd, but that tho' they do submit to the Government, their Obedience is forced, and constrain'd; and so treacherous, and uncertain, as never to be trusted. That they are as much Occasional Loyalists to the State, as they are Occasional Conformists to the Church; and will betray either whenever it is in their Power, and they think it for their Advantage. That nothing but a Sottish Infatuation can so far blind our Eyes and our Judgments, as to make Us believe that the same Causes should not produce the same Effects; that the same Latitudinarian and Republican Notions, should not bring forth the same Rebellious and Pernicious Consequences. That we shall be convinced to our Sorrow, if we don't apprehend that the \* Old Leaven of their Fore-fathers is still working in the present Generation; and that this Traditional Poyson still remains in this brood of Vipers to sting us to Death. That they have advanced themselves from the Religious Liberty which our Gracious Sovereign has Indulged them, to claim a Civil Right; and to juggle the Church out of Her Establishment, by boisting their Toleration into its Place. That to convince us what alone will satisfy them, they insolently demand the Repeal of the Corporation and Test Acts, which under Her Majesty is the only Security the Church has to depend upon: And which (if we may believe Him,) They have so far eluded by their abominable Hypocrisie, as to have undermin'd her Foundations, and endanger the Government, by filling it with its professed Enemies.* His meaning is plainly this; that the Dissenters, whom we are so foolish as to Indulge, a parcel of False and Treacherous Persons; Enemies both to our Church and State; and such as if not timely suppress'd, will convince us to our Sorrow of the weakness and folly, of taking such Vipers into our Bosom, as watch only for a fair Opportunity to sting us to Death.

But what then must we do to secure our selves against these dangerous Enemies? Why first, the Doctor assures us, that they are never to be gain'd by any favour that can be shew'd to them. \* *That he must be very Weak, or something worse, that*

think  
speak  
than  
tryin  
he c  
Confi  
satisf  
they  
Churc  
Th  
ly u  
Sache  
levati  
Unwa  
such  
nothi  
next  
purpo  
had a  
by Ar  
the Ch  
Genev  
pressio  
deavo  
hoped  
and M  
who h  
I an  
mons  
High  
of tha  
Person  
Friend  
for his  
Preach  
lizabet  
on of t  
was a p  
pline.  
ster, th  
as well  
and p  
Spirits  
from the  
like a p  
Effect w

thinks, or pretends, that the Dissenters (for of These he still speaks) are to be won over by any other Grants and Indulgences than giving up our whole Constitution. This shews the folly of trying the soft way of Indulgence with them: And therefore he concludes; That He who recedes the least tittle from it (our Constitution) to satisfy, or ingratiate with, these Clamorous, Insatiable, Church-devouring Malignants, knows not what Spirit they are of; or he ought to shew who is the true Member of our Church.

This I think, (continued the Bishop of Lincoln,) comes fully up to what is objected against Him; namely, that Doctor Sacheverell, does in his Sermon suggest and maintain, that the Toleration granted by Law is Unreasonable, and the Allowance of it Unwarrantable. For so it must needs be, if the Dissenters be such Men as he tells us they are; and will be satisfied with nothing less, than he assures us they will. And yet what next follows, is, if possible, still more express to the same purpose. It is objected against him by the Commons, that He had affirm'd in his Sermon, That Queen Elizabeth was deluded by Archbishop Grindal, (whom he scurrilously calls a False-Son of the Church, and a perfidious Prelate;) to the Toleration of the Genevian Discipline. The Fact is not denied; but the Expressions are excus'd; and the Truth of the Allegation is endeavoured to be made out by Historical Memoirs: And it is hoped that your Lordships will not account it a High Crime and Misdemeanour, to have spoken too hardly of a Prelate who has been so many Years in his Grave.

I am, my Lords, very far from thinking, that the Commons ever intended to charge Dr. Sacheverell as guilty of High Crimes and Misdemeanours, for speaking scandalously of that Good Archbishop. Their Concern was not for His Person, what respect soever they may have had (as all true Friends of the Reformation must needs have a very great One) for his Memory. But the Truth of the Matter is this. The Preacher complains Page 19. of his Sermon; that Queen Elizabeth was deluded by Archbishop Grindal, to the Toleration of the Genevian Discipline. He adds, that the Archbishop was a perfidious Prelate, for deluding her to Tolerate that Discipline. That she found it such a Headstrong and Encroaching Monster, that in Eight Years she saw it would endanger the Monarchy as well as the Hierarchy: And like a Queen of true Resolution, and pious Zeal for Both, she pronounced that such were the restless Spirits of that factious People \*, that no quiet was to be expected from them, till they were utterly suppress'd. That this therefore like a prudent Princess, she did by wholesome Severities; and the Effect was, that by this means the Crown for many Years sat easy

---

\* Serm. Page 10.



and flourishing on her Head. But that her Successor, King James, did not follow her Wise Politicks: And the Result was as Deploable on his Side, as it had been Glorious on Hers. For by this means, His Son fell a Martyr to their Fury: His unhappy Offspring, suffer'd such disastrous Calamities, as made the Royal Family one continued Sacrifice to their Malice. And all this for want of those wholesome Severities which the wise Queen his Predecessor, had Used utterly to suppress that Factious People.

This, my Lords, is the Doctor's Narrative, and I have given it you in his own Words. The Application is plain, and home. The Dissenters are now again Tolerated, as they were heretofore under Q. Elizabeth. There is a perfidious Prelate (perhaps in his Opinion a great many) who, like Archbishop Grindal, help to delude another Queen, into the Toleration of them. These Eight Years past (for the very number of Years is remarkable) Her Majesty has born the restless Spirits of this Factious People; and had no quiet from them. It is now high time for Her to alter Her Measures, as Queen Elizabeth wisely did. It is the only way to make the Crown sit Easie, and Flourishing, upon Her Head. And if this be not plainly to speak out what he would have done with the *Act of Indulgence*, I must despair of ever being able to know any Man's meaning by his Expressions. Such Examples are not only the most likely to inforce, but the most proper, and lively Methods to convey a Man's Sense, even to the dullest Capacity; and make him clearly perceive if not what he ought, yet I am sure what the Preacher would have him to do.

The truth is, so plain was his meaning, that he himself began to fear that he had gone a little too far in what he had said of this Matter. And, for that reason, he added that One, poor Sentence which immediately follows, and of which he has made such good Use since: *That he would not be Misunderstood as if he intended to Cast the least Invidious Reflection upon that Indulgence the Government had condescended to give them, (the Dissenters;)* But what then did he intend by all this bitter Invektive against them; and that very *Instructive* piece of *History* with which he concluded it? He has told us that the Dissenters are *False Brethren*; Destructive both of our *Civil* and *Ecclesiastical* Rights. That they are *Occasional Loyalists* to the *State*, as well as *Occasional Conformists* to the *Church*; and will betray both, whenever they have it in their Power, and it shall be their Interest, to do it. That it must be a Sottish Infatuation to believe that the same Latitudinarian, and Republican Notions, should not bring forth the same Rebellious, and Pernicious Consequences: That we shall be convinc'd to our Sorrow, if we do not apprehend that the Old Leaven of their Fore-fathers,

is still working in the present Generation : That they have already made dangerous Encroachments upon the Government ; and publish'd Treasonable Reflections upon Her Majesty : That they have advanc'd their Indulgence into a Civil Right, and justled the Church out of Her Establishment, by hoisting their Toleration into its place : That They have by their abominable Hypocrisie undermined the Foundation of the Church, and endanger'd the Government, by filling it with its profess'd Enemies : That they are Clamarous, Insolent, Church-Devouring Malignants ; whom no other Grants, or Indulgencies can Win over but the giving up our whole Constitution : That ever since their first unhappy Plantation in this Kingdom, they have Improv'd, and Rose upon their Demands in the Permission of the Government : That Queen *Elizabeth*, who Tolerated them for Eight Years together, was forced at last to suppress them by wholesome Severities : That this made her Crown sit Easie and Flourishing on her Head ; whereas King *James* the First by not pursuing the like Methods ruined the whole Royal Family : That nothing better could be expected from such *Miscreants, begot in Rebellion, Born in Sedition, and Nursed up in Faction* : All this Dr. S. has said in these very plain, shew and emphatical Words. If he did not intend by all this to shew the Necessity of Suppressing these Factious People, these Vipers, who are just ready to sting us all to death, I would be glad to know what it was that he did Intend by it ? Could he say all this, and with such a singular strain of impetuous Eloquence, and yet not intend to cast so much as the least invidious Reflections upon that Indulgence which the Government has thought fit to give them ? I must freely own, my Lords I could never have imagined this : Nay I must be excused if I add, That notwithstanding this poor Evasion, I cannot yet believe it. But the *Act of Indulgence* stood in his way : That *Act* the Queen had declared her Resolution to maintain : Your Lordships and the Commons had often shewn your Steddiness to the same Effect. Even those who press'd so violently against *Occasional Communion*, yet thought it necessary to say, in the very Preamble of that Bill, that the *Act of Indulgence* ought inviolably to be Observed : And therefore Dr. S. thought it needful to add somewhat that he knew would not take off any thing from the force of his Invective ; yet might serve to excuse the Severity of it ; and be made use of to the purpose it now is, if he should chance to be call'd to Account for it. This, my Lords, I conceive to be the true meaning of that one single Passage, so utterly repugnant to all the rest of his Discourse : Nor can I put any other Interpretation upon it. For had I the same Opinion of these Men, their Principles,

and

and their Designs, that Dr. S. has ; I should be so far from thinking them fit to be Indulged, that I should account it my Duty, and the Duty of every true Friend to our Church and Government ; to take the same Methods of Wholesome Severities with them that Queen Elizabeth did : And I hope by God's Grace that should I be questioned for it, I should not dissemble my Opinion ; but should have the Courage honestly to own it, whatever I might chance to suffer for it. He added, that he had insisted the longer upon this part of the Doctor's Sermon, because he would not willingly fall under the Censure of picking out disjointed Sentences, and putting them together from distant Places, that so he might the better draw a Sense out of them, contrary to his meaning. That he should trouble their Lordships but with one part more of it, to the same Effect ; Pag. 24, 25. Where he comes to consider, what should be the Result of his long Discourse ? Which he should read to their Lordships in his own Words, Pag. 25. ' Let us therefore (says he) as we are unhappy ' Sharers of St. Paul's Misfortune, to have our Church in ' Perils amongst False Brethren, follow his Example, and Conduct in a Parallel Case. He tells us in his *Epistle to the Galatians*, chap. 2. That he was obstructed, and pester'd in Preaching the Gospel, by False-Brethren unawares brought in ; who came privily to spy out his Liberty which he had in Christ Jesus, that they might bring him into Bondage. To whom he gave place by Subjection, no not for an Hour, that the truth of the Gospel might continue with the Church. Doubtless this brave and bold Resolution, did the Apostle take by the peculiar Command, and Inspiration of the Holy Ghost : And yet if Our Dissenters had lived in those Times, they would have branded him as an Intemperate, Hot, Furious Zealot ; that wanted to be sweetned by the gentle Spirit of Charity, and Moderation forsooth. That here they had again the Persons of whom the Preacher speaks : They are Our Dissenters ; not the Deists, Atheists, Socinians, Hypocrites, of our times. And accordingly, what follows, plainly refers to them : For thus he goes on, ' Schism and Faction are Things of Impudent and Incroaching Natures : Take Permissions for Power ; and advance a Toleration ; (for so the Dr. is still at Liberty to call, what we must stile Indulgence) immediately into an Establishment. That their Lordships would please to observe, by the way, that this was the very thing he had before said of these same Persons, Pag. 19 ; and thereby plainly shews, that he speaks in both Places of those Dissenters who have a right to the Toleration, or Indulgence, granted by Law to Protestant Dissenters. Let us now, added his Lordship, hear what he would have done with them. Why he would have them

treated

• fre  
• at  
Met  
fore,  
but r  
of th  
part  
let th  
thema  
of D  
ters,  
are th  
Power

Th  
upon  
the  
amaz  
fit to  
the P  
matiz  
People  
by th  
ters ;  
Faction  
grant  
notice  
and P  
words  
Person  
of an  
them.

An  
plicat  
cludes  
Dange  
his A  
fence  
abuses  
he app  
seduce  
receive  
my \*

† Ze  
\* Se



\* treated like *Growing Mischiefs*; or *Infectious Plagues*; kept at a distance, least their deadly *Contagion* spread. And the Method he proposes in order thereunto, is this, *Let us therefore, says he, have no Fellowship with these works of Darkeness: but rather reprove them.* These Works, *Schism* and *Faction*; For of these, and these only, he here speaks. This is the Peoples part; and the Inferiour Pastors: *As for the Superiour Pastors, let them do their Duty, in thundering out their Ecclesiastical Anathemas against them.* Against whom, my Lords? What works of Darkeness? Still the same he before mention'd: *Our Dissenters*, those are the Persons: their *Schism* and *Faction*; those are the works of Darkeness to which he refers. *And let any Power on Earth dare reverse a Sentence ratify'd in Heaven.*

That this was the last part of the Commons Impeachment upon this *Second Article*: And 'twas so plainly expressed by the Preacher in this Passage, that his Lordship confess'd it amazed him to consider with what Positiveness he had thought fit to deny that any such thing was meant by him. That the Persons whom the *Superior Pastors* are summon'd to *Anathematize*, are the same with those, whom the *Other Pastors* and *People*, are to have no Fellowship withal, but to *Reprove*. These, by the necessary connexion of his Discourse, are *Our Dissenters*; whose works of Darkeness, he states to be *Schism*, and *Faction*: Those *Dissenters* to whom the Government hath granted a *Toleration*; as himself, in the same Passage takes notice. Which being so; he should leave the Dr. to Deny, and Protest, as he pleased; but when all is done, his own words would rise up against him, and appear to every impartial Person so plain, and positive, as to put it beyond the Power of any artificial Interpretation to perplex the meaning of them.

And this said he in the Conclusion, lets us into the true Application of those Passages of Scripture, with which he concludes his whole Discourse: In which, having shewn the Danger of our Church from these *False-Brethren*, and exhorted his Auditory to a steady Courage and Resolution in the Defence of it; he thus at once both inforces his Doctrine, and abuses his Adversaries. That tho' the Church (for to that he applies, what † *Zechariah* spake of the False Prophets that seduced the People) *lies bleeding of the Wounds which she has received in the House of her Friends*: A Passage first thrown at my \* self, for Defending the Prince's Authority, when some

---

† *Zech. 13. 6.*

\* See Dr. A's Rights of an *English Convocation*; Title Page.

of these very Men engaged as vehemently on the side of Liberty, against the Rights of the Crown, as they now pretend to stand up vigorously for it ; || *Tho' the Ways of Zion may mourn for a time* (so the Dr. Glosses upon the Text) *and her Gates be desolate ; her Priests sigh ; and she in bitterness, because* (it is the Preacher's Reason, the Text has no such Word) *Her Adversaries are Chief ; he means, in the Administration under Her Majesty ; and Her Enemies at present prosper ;* (so he again improves the Text ; in hopes, I suppose, that it will not be long before he shall have Preach'd them out of their Places : ) \* *Tho' among all her Lovers she has Few,* (the Prophet complained that *Jerusalem* had none) to Comfort her ; and many. ( *Jeremiah* said all ) *have dealt treacherously with her, and are become her Enemies ;* (he refers to those of whom he had before spoken *Pag. 22.*) † *Tho' there are few to guide her among all the Sons which she hath brought forth ; neither are there many to take her by the Hand of all the Sons that she hath brought up ;* ( *Isaiah* in both places, says none : ) *Tho' her Enemies cry down with her, down with her, even to the Ground : That is, in other Words, tho' (the Preacher, and a few of his Friends, excepted) both the Fathers and Pastors of the Church ; and the Men who are at present in Power, and Authority, in the State, are become False-Brethren, and run in with those Enemies of the Church, Our Dissenters, against it ; Yet there is a God that can, and will raise her up, if we forsake her not.*

It were an easie matter to make many proper Remarks upon these Passages of Scripture, thus applied, or rather abused, by the Preacher : But that would be besides my present Business ; and will fall in more properly under the *last Article of this Impeachment*. It is enough that I have, I hope, fully shewn your Lordships how Dr. *Sacheverell* has treated if not the Indulgence it self, yet I am sure, *Those who are entitled to the Benefit of it* : And who if they shall have the Misfortune, by this kind of Preaching, to be once generally thought such Wicked, False, and Dangerous Enemies to our Church and State as they are here represented, I cannot think that their Indulgence will hold long. If they have Numbers to secure them, it is well for them : But otherwise I am sure as the Case is here stated, it must be our *Wisdom*, as well as *Duty*, to suppress them.

How Criminal such an *Invektive* as this will be accounted in the Eye of the Law, I dare not presume to suggest : much less shall I pretend to intimate what Censure it may deserve.

---

|| *Lament. i. 4. 5.*

\* *Lament. i. 2.*

† *Isa. 51. 18.*

Somewhat I think should be done to put a stop to such Preaching, as if not timely corrected may kindle such *Heats* and *Animosities* among us, as may truly endanger both our *Church* and *State*. As for the *Preacher* himself; I am very willing to come into any Measures of Favour to him, that are Consistent with your Lordships Honour and Justice; and will answer the Ends of the *Impeachment* that has been brought before Us against him.

---

The Bishop of *Norwich* who spoke next, said,

The Bishop of *Norwich*'s **H**E was very sensible under what Speech. Disadvantage in the Opinion of many, a Bishop must speak against a Clergyman that stands accused of Crimes committed by him in the seeming Execution of his Office; especially after having been so publicly required to be an Advocate as well as a Judge. And he was the more sensible of this prejudice lying against him, for having been so lately called into that Order, and for being so unworthy of it.

But he thought himself obliged notwithstanding, under all these Disadvantages, to deliver not only his Judgment, but also the Reasons that determin'd him to it; which he should do as plainly as he could; with that deference to their Lordships, which he was sure it must upon all Occasions particularly become him to pay; and at the same time with that Freedom which he thought the Importance of this cause did at this time require.

That Dr. *Sacheverell* stood Impeached by the Commons of *Great-Britain*, of High Crimes and Misdemeanours expressed in the several Articles of the Charge exhibited against him; And their Lordships had heard what they had said in support of that Charge, as well as what had been offer'd in the Doctor's Defence.

That their Lordships had also debated among themselves the Merits of the Cause as to the first of these Articles; and had come to a Resolution, that the Commons had made good that part of their Charge: In which Resolution as he did heartily concur; so he was ready to have humbly represented to their Lordships his Reasons for so doing, had there been either room or occasion for it.

That their Lordships were now upon the *Second Article*; wherein the Doctor is charged for 'Suggesting and Maintaining



ing that the Toleration granted by Law, is unreasonable, and the Allowance of it unwarrantable; with other particulars that have immediate relation to this general Charge, and which are indeed in many proofs of it.

That in this view therefore, he begg'd leave to consider them; And the First of these Instances, in Support of this Charge, is, that he asserts that *He is a False Brother, with relation to God, Religion, or the Church, who defends Toleration and Liberty of Conscience*; and this, my Lords, (continued he) the Doctor does assert in so many Words. It is one of the many Marks he gives whereby we may discern who is a False Brother in those Respects; not a *small part of one General Mark*, as was alledged very inconclusively, I think, in his Defence. For if it was to be granted, (tho' it cannot be fairly pretended) that the Doctor makes the *defending* of Toleration and Liberty of Conscience, one Branch only of the Character of a False Brother; I do not see how it cou'd make even a part of that Character, if there was no False Brotherhood in it. And I shall not trouble my self or your Lordships with going about to settle the degrees of False Brotherhood that are in this part of the Character, because I think every degree of it is unreasonable and not to be warranted. And therefore the Doctor cannot make it so much as a part of the Character of a False Brother to defend Toleration and Liberty of Conscience, as it is confess'd that he does, but he must at the same time *suggest and maintain that the Toleration is unreasonable, and the Allowance of it unwarrantable*. For it can never be any Degree of False Brotherhood, to defend what is reasonable and warrantable: Nor wou'd even the Doctor, as inconsistent a Man as several of the Noble Lords that have spoken for him represent him to be, ever have made it one; if he had not himself condemn'd that which he blames others for defending.

That the Second Instance alledg'd is, that he calls *Arch-bishop Grindal a False Son of the Church, and a perfidious Prelate, for deluding Queen Elizabeth into the Toleration of the Genevian Discipline*. That he should not go about to add any thing to the full and just Vindication they had heard of that Excellent Prelate. But could any of their Lordships believe, that a Presbyter of the Church of *England*, professing more than ordinary Zeal for Episcopacy and the Constitution of this Church; shou'd bestow such Language on one who was the first Bishop and the Ornament of it so long; only for disposing that Glorious Queen to a mild Treatment of the Puritans of that Time, which is the utmost that was pretended to be laid to his Charge, if he had thought Toleration a reasonable thing, or what was fit to be established by Law?

This

This, my Lords, (added he,) I confess can never enter into my Thoughts, as ready as I am to enlarge them for the admitting of any favourable Construction that will not shut out Common Sense.

That the *Third Instance* is his making it the Duty of the Superior Pastors to thunder out their Ecclesiastical Anathemas against Persons entitl'd to the Benefits of the Toleration. And to shew that he has done this, he need only refer their Lordships to that Part of his Sermon where the Superior Pastors are called upon to do so; (*viz.*) the Fourth and last General Head, where he draws the Consequence of all that he had spoken before in the following Words. \* " Now what should be the Result of this long Discourse, but that if we bear any true Concern for the Interest, Honour, and Safety of our Church, and Government, we ought stedfastly to adhere to those Fundamental Principles upon which both are founded, and upon which their Security, under God, alone depends: and consequently that it highly behoves us, cautiously to Watch against, to Mark, and Avoid all those that thus treacherously desert them. And indeed it wou'd be both for our Advantage, as well as their Credit, if such Men wou'd throw off the Mask, entirely quit our Church of which they are no True Members, and not fraudulently eat her Bread, and lay wait for her Ruin, purloin her Revenues, and ungratefully lift up their Heels against Her. For then we should be one Fold under one Shepherd; all those Invidious Distinctions, that now Distract and Confound us, lost; and we shou'd be terrible like an Army of Banners to our Enemies; who cou'd never break in upon such an Uniform and Well compacted Body. This indeed wou'd be a True Peace, and Solid Union, when we shou'd all with one Mind and one Mouth glorifie God, and not with a confus'd diversity of Contradictory Opinions, and inconsistent Jargon of Worship, which the God of Peace, Purity, and Order cannot but abhor. As it is a Maxim in Politicks, that all Governments are best supported by the same Methods and Councils upon which they are founded; so it will appear undeniably True in its Application to our Constitution, which can be Maintain'd by no other Principles, but those on which it is built, and like their Basis, the Gospel, if there's any Violation, or Breach made in any Branch of it, it shakes and endangers the whole Frame and Body. These things however little they may be represented by our Adversaries, will be found of the most considerable

\* Vide Sermon. Page. 22 l. 4.

" Consequence. Let us therefore, as we are unhappy Sha-  
 " rers of *St. Paul's* Misfortune, to have our Church in Pe-  
 " rils among False Brethren, follow his Example and Con-  
 " duct in a parallel Case. He tells us in his Epistle to the  
 " *Galatians*, c. 2. That he was obstructed and peiter'd in his  
 " preaching the Gospel, by *False Brethren* unawares brought  
 " in, who came privily to spy out his Liberty, which he  
 " had in Christ Jesus, that they might bring him into Bon-  
 " dage: To whom he gave place by Subjection, no not for  
 " an Hour, that the Truth of the Gospel might continue  
 " with the Church. Doubtless this brave and bold Resolu-  
 " tion did the Apostle take by the peculiar Command, and  
 " Inspiration of the Holy Ghost; and yet if our Dissenters  
 " had liv'd in those Times, they wou'd have branded him,  
 " as an Intemperate, Hot, Furious Zealot, that wanted to  
 " be sweeten'd by the gentle Spirit of Charity and Mode-  
 " ration forsooth. Schism and Faction, are things of im-  
 " pudent and incroaching Natures, they thrive upon Con-  
 " cessions, take Permission for Power, and advance a Tola-  
 " ration immediately into an Establishment. And are there-  
 " fore to be treated like growing Mischiefs, or infectious  
 " Plagues, kept at a Distance, lest their deadly Contagion  
 " spreads. Let us therefore have no Fellowship with those  
 " Works of Darkness, but rather reprove them. Let our  
 " Superior Pastors do their Duty in thundring out their Ec-  
 " clestialtical Anathema's, and let any Power on Earth dare  
 " reverse a Sentence ratify'd in Heaven.

Can any thing be plainer than that the Dissenters, and  
 they only, are here spoken of; And what does the Doctor  
 say in his own Defence, to avoid it? His Words in his print-  
 ed Speech are these:

" Schismatics, my Lords, are not the only Persons against  
 " whom Ecclesiastical Censures may be denounced: The  
 " Works of Darkness which I referr'd to as fit to be repro-  
 " ved, in that part of my Sermon where I speak of these  
 " Censures, are of the same kind with those mentioned by  
 " the Apostle, whose Words I produc'd; All Lewd and  
 " Immoral Practices, &c.

The Bishop of *Norwich* said, it was very true: Schisma-  
 ticks are not the only Persons against whom Ecclesiastical  
 Censures may be denounc'd, but he must still say they are the  
 only Persons referr'd to, in the Paragraph he had read to  
 their Lordships; and therefore he own'd he was a good  
 deal concern'd, to find the Doctor making so vain and so  
 unsincere a Defence. For it is not Works of Darkness in  
 general he is cautioning against, but expressly, by a Word of  
 his own inserting, not the Apostle's, those Words of Dark-  
 nels



ness mentioned immediately before; *Schism* and *Faction*, which with him go always together. That these are the Sins against which he calls upon his Superior Pastors to thunder out their Ecclesiastical *Anathema's*; nor can the Charge be avoided by that Distinction which was offer'd in his behalf, between a Censure purely Spiritual, and an Ecclesiastical Censure. For admitting there is ground for that Distinction in a Scholastical Consideration of the general Question of Christian Censures; yet there is no room to make use of it in this case, because he calls expressly for *Ecclesiastical Anathema's*, which can be apply'd to none but such as are part of the Order and Discipline of this Church.

That it is certain that these Censures cannot, since the Act of Toleration, be inflicted upon Dissenters, how much so ever their Schism remains; because it is expressly provided by an Act of Parliament, (an Act of the whole Christian Society, to which the Superior Pastors were personally concurring,) that they shall not be treated as Schismatics in the way of those Ecclesiastical Censures, to which their Separation would otherwise have certainly subjected them.

And tho' he could not undertake upon Memory to be very particular, yet he durst venture to say, there have anciently been Relaxations of the Discipline of the Church, even when the Crime was thought to deserve the Continuance of it; for Publick Expedience, and better preserving the Peace of the Christian World: And that in such Cases any Presbyter or Bishop wou'd himself have been censured, if he had not acquiesced in such Relaxations. That a Presbyter of the Church of *England*, is the more obliged to acquiesce in all such Relaxations amongst us as are legally made, because he has solemnly promised at his Ordination, that *he will give his Faithful Diligence always so to minister the Doctrine and Sacraments, and the Discipline of Christ, as the Lord hath commanded, and as this Church and Realm hath received the same.*

That he had already observed to their Lordships, how the Discipline of the Church stood at present as to the Point in question. And as the Relaxation of it in that particular, was agreeable to that Temper which the Bishops who petitioned King *James*, gave the Dissenters ground to expect: So he was verily perswaded that the Church is so far from having been hurt by this Indulgence, that it has received Advantage as well as Credit, from that Moderation which gave way to it. That he cou'd give several Instances of this within his own Observation, while I was Arch-Deacon, under a Reverend Prelate that sat now before

fore him; and since he had the Honour to be on that Bench: In which Compass of time several Men of Sobriety and Learning bred up to be Ministers amongst the Dissenters, had left the Separation, and upon due Tryal had been admitted to Orders in our Church; in which they had officiated with entire Conformity to our Rules, and to the Honour of our holy Religion.

That these Instances had been so frequent and Remarkable, since the Dissenters had been exempted from the Penalties of certain Laws, above what had been observ'd before; that he thought it very ill becomes any Clergyman to preach against that Exemption, as the Doctor (notwithstanding his Reserve for *Consciences truly scrupulous*) had done; and to call upon his Superiours to act in contradiction to it. He shou'd have forbore doing this, at least out of regard to her Majesty, who had been graciously pleas'd to declare from the Throne, *that she wou'd preserve the Toleration inviolable*: A Resolution he should ever think it his Duty upon all proper Occasions to express his Approbation of, as Just and Wise and Charitable, and every way agreeable to the Spirit and Genius of the Christian Religion. That he should not enter into the Enquiry of what Sentences are ratify'd in Heaven: But as one may venture to say, that all that have been pronounced on Earth, are not ratify'd there; so by all he had seen of the Doctor's Spirit in these Matters, he had great reason to fear, that if the Power of the Keys was in his Hands, it would often be very sadly abused.

However, added he, he has so good an Opinion of his own Spirit, as to put his Superiors in mind of another Part of their Duty, and that is, to *promote Men of Probity, Conscience and Courage*, without which he thinks they cannot be fit Members of the Church Militant, in which I can as little agree with him as in the former demand. For if I may Judge of the Probity, Conscience, and Courage he thinks so deserving, by what appears in his Sermon, compar'd with his Speech to your Lordships; I cannot think them Qualifications for a Minister of the Church of Christ in any respect; and I hope I shall be so happy as to find all the Reverend Prelates with whom I have the honour to sit, agreeing with me in this. But tho' I hope such a Conduct will never recommend any Person to favour; yet I do not desire that even that which I heartily blame, shou'd be punished so much as I think it deserves. And tho' He who pleads so warmly for wholesome Severities toward those who differ from him, has the least Title to Your Lordships Compassion; Yet I hope he will find it as far as the just Concern you have for the Publick Tranquillity will allow you to shew it.

This

Th  
per o  
by fo  
to ha  
thoug  
I f  
parti  
as on  
is no  
publi  
God  
wher  
rhose  
faire  
ackn  
Ho  
that  
ackn  
who  
and S  
threa  
such  
ceedi  
As  
feen  
and  
am v  
Comp  
for co  
bly be  
him.  
But  
humb  
tain'd  
think  
their  
No  
the Q  
Second  
Doctor  
mative  
The  
ing R  
then  
good  
mative

This I say from that which I bleſs God is the natural Temper of my Mind, and not from the Care that has been taken by ſome to intimidate as far as they cou'd, thoſe who were to have the Cognizance of the Doctor's Cauſe, and were not thought to be favourable to it.

I ſhall not take upon me to charge the Doctor or any of his particular Friends with this Practice, as great a Temptation as one is under to do ſo from ſeveral Circumſtances. And it is not the leaſt, that occurs in his Prayers, which he has publiſh'd upon this Occaſion, to repreſent not ſo much to God as to the World, that he is under Perſecution, when he is proſecuted for offending againſt the Law, by thoſe who in common Juſtice ought to be thought the faireſt Accuſers; and before Your Lordſhips who are juſtly acknowledged to be the moſt impartial Judges.

However I will never believe, till I cannot avoid it; that any Members of the Church of *England* who have acknowledged the Government, much leſs any Clergy-man who has ſo often profeſs'd his Obedience to it in Church and State, ſhou'd have been any way acceſſary to thoſe threatnings that have been given out, particularly againſt ſuch Biſhops as ſhould happen to condemn the Doctor's Proceedings.

As far, My Lords, ſaid he in the Concluſion, as I have ſeen of this Cauſe, I am likely to be one of thoſe Biſhops; and tho' I do not pretend to any great ſhare of Courage, I am very free to declare to Your Lordſhips that I am in no Compariſon ſo apprehenſive of what may befall my ſelf for condemning this Perſon, as I am of what will probably befall the Publick if Your Lordſhips ſhou'd not condemn him.

But that is in Your Lordſhip's Judgment, to which I humbly ſubmit it: And only beg Pardon for having detain'd Your Lordſhips ſo long in giving my reaſons why I think the Commons have made good this Second Part of their Charge.

No Peer offering to ſpeak in favour of Dr. Sacheverell, the Queſtion was put, *That the Commons have made good the Second Article of their Impeachment, againſt Henry Sacheverell, Doctor in Divinity;* which was reſolv'd in the Affirmative.

Then the *Third Article* of the Commons Impeachment being Read, little was ſaid on either Side, thereupon; and then the Queſtion being put, *That the Commons had made good the ſaid Article,* it was likewiſe reſolv'd in the Affirmative.



*Debates about the Fourth Article.*

The *Fourth Article* which was read *Earl of Wharton*. next, occasion'd a longer Debate, which was open'd by the *Earl of Wharton*; who spoke in the Praise of the present Administration:

The *Bishop of Salisbury* seconded him; *Bishop of Sarum*. and spoke with Vehemence against Doctor *Sacheverell*; who by inveighing against the *Revolution, Toleration, and Union*, seem'd to arraign and attack the Queen Herself, he added, That nothing could be more plain, than his Reflecting on Her Majesty's Ministers; and that he had in particular, so well mark'd out a Noble Peer there present, by an *Ugly and scurrilous* \* *Epithet*, (which he would not repeat) that 'twas not possible to mistake him. This set the whole House a Laughing; and several Lords cry'd *name him, name him*; but the Lord Chancellor moderated the Matter, saying, *no Peer was oblig'd to speak, but what he thought fit*. The Lord *Ferrers* said something in Favour of Doctor *Sacheverell*, but was answered by the *Earl of Illa*; and then the Lord *Haversham* made a short Speech, about that Part of the *Fourth Article*, wherein Dr. *Sacheverell* is charg'd with wresting and perverting divers Passages of Holy Scripture.

He said, in Substance, ' That no  
The Lord *Haversham's* ' Man on Earth has Authority to  
Speech: ' interpret the Scripture; which  
' as he thought, must be interpreted by it self; That ever since the Reformation, we  
' had contended against the Church of *Rome*, who pretended to that Authority: And shall we, added he,  
' allow *Infallibility in the Commons*, which we deny in  
' the *Pope of Rome*? And in the Conclusion, his Lordship repeated his Desire, that the Reverend Prelates,  
' there present, would tell the House, how Doctor *Sacheverell* could be charg'd with wresting the Scripture? But  
' none of the Bishops offer'd to satisfy him. The Duke of *Hamilton* having said something in Favour of Doctor *Sacheverell*, he was answer'd by the Lord *Molun*, to whom his Grace readily reply'd. But tho' the Duke of *Buckingham*, the Lord *Ferrers*, the Earls of *Scarsdale* and *Abington*, and the Lord *Carmarthen* endeavour'd likewise to extenuate the Doctor's Offence; yet the Question

\* *Volpone*.

being

being  
Article  
Thin  
ons up  
same  
First;

*Buckingham*  
*Hamilton*  
*Lexington*  
*Dartmouth*  
*Jo. York*  
*W. Cest*  
*Tho. Ro*  
*N. Dure*  
*George L*  
*Wells*.

Then  
solv'd,  
Impeach  
necessar  
said Dr  
Misdeme  
and Roc  
and the  
a Debat  
ry Lord  
' Tha  
' cles of  
' Divini  
' High  
' After  
the Deb  
Accor  
Question  
adjourn'  
*Rochester*  
advise'd v  
Motion,  
' Questio  
' *Westmin*  
' Constit  
' Peers fi  
' ment,  
' Law:  
' be satis  
' and if t  
' the Que  
' taken a

being put, That the Commons had made good the *Fourth Article of Impeachment*, it was Resolv'd in the Affirmative.

Thirty eight Lords enter'd their Dissent to the Questions upon the second, third and fourth Articles, *For the same Reason as was given against the Question upon the First*; viz.

Buckingham.	Beaufort.	Berkshire,	Yarmouth,
Hamilton,	Denbigh.	Scarsdale,	Fersey,
Lexington.	Nottingham,	Stawell,	Thanet,
Dartmouth,	Rocheſter,	Poulet,	Plymouth,
Jo. York,	Weymouth,	Abingdon,	Northampton.
W. Cestriens,	Howard,	Conway,	Angleſey,
Tho. Roſſen,	H. London,	Osborne,	Guilford,
N. Dureſme,	Haverſham,	Weſton,	Leigh,
George Bath & Wells.	Ormonde,	Craven,	Guernſey,
	Willoughby Br.	Suſſex,	

Then the Earl of *Wharton* ſaid, That ſince the Houſe had reſolv'd, that *The Commons had made good their Four Articles of Impeachment* againſt Dr. *Sacheverell*, the Lords ought by a neceſſary Conſequence, reſolve and declare likewise, That the ſaid Dr. *Sacheverell* was *Guilty of the High Crimes and Misdemeanors* charg'd upon him: But the Earls of *Abingdon*, and *Rocheſter*, the Lord-Treaſurer, the Lord *North* and *Grey* and the Lord *Ferfers*, ſtating ſome Difficulties, and moving for a Debate it was propos'd, That the Queſtion to be ask'd every Lord in *Westminster-Hall*, ſhould be as follows.

' That the Commons having made good the ſeveral Articles of Impeachment againſt *Henry Sacheverell*, Doctor in Divinity, the ſaid Doctor *Henry Sacheverell* is Guilty of High Crimes and Misdemeanors.

After which the Earl of *Nottingham* mov'd for adjourning the Debate, which was agreed to.

Accordingly on the 18th of *March*, the ſaid Queſtion, and the Order for reſuming the adjourn'd Debate, being read, the Earl of *Rocheſter* mov'd, That the Judges ſhould be advis'd with: But no Perſon ſeconding that Motion, the Lord *Guernſey* ſaid, ' That the Queſtion, as ſtated, was not fit to be put in *Westminster-Hall*, becauſe it would ſubvert the Conſtitution of Parliament, and preclude the Peers from their Right of giving their Judgment, both of the Fact, as well as of the Law: For in this Caſe ſome Peers might be ſatisfied as to the Fact, but not as to Law, and if they were to give their Judgment as the Queſtion was ſtated, their Freedom of Voting would be taken away: Therefore his Lordſhip mov'd, *That the firſt*

March 18th  
Debate about  
the manner of  
giving Judgment  
in Westminster-Hall.

Earl of  
Rocheſter.  
Ld. Guernſey.  
Ld. North  
and Grey.

*Part of the propos'd Question be left out.* The Lord North and Grey spoke next, said, There was no Necessity of putting the Question in *Westminster-Hall*, but only to acquaint the Commons there, That Dr. Sacheverell was guilty in General. For, added his Lordship, *how can any Peer that thinks him Not Guilty, as for my part, I don't say in the Face of the Commons He is not Guilty, and allow at the same time, that the Commons have made good their Articles of Impeachment?* Hereupon the Earl of Wharton said, He wonder'd at the Lord Guernsey's making that Motion, after the House had come to a Resolution, that the Commons had made good their Articles; That the Question, as stated by the Lord-Chancellor, did not preclude any Peer from his Right of giving his Judgment: For every Lord was at liberty to protest and enter his Dissent, if he would not be convinc'd by the Majority of the House: And that the Lords being in the Nature of a Jury, ought to deliver their

Opinion Seriatim. The Lord Ferrers back'd the Lord Guernsey's Motion; objecting against the Preamble of the Question as unnecessary; and urging, That 'twas only the Majority of the House, and not the House, that came to a Resolution, that the Commons had made good their Impeachment.

L. Guernsey. On the other Hand, the Lord Guernsey, in Answer to the Earl of Wharton said, That the Lords were not as a Jury, for every Lord was both a Judge and a Juror: That some Peers might think Dr. Sacheverell Guilty of one Part, and Innocent of the Other; and yet if they were to give their Judgment as this Question was stated, how could they say he was not Guilty, when the Preamble set forth,

That the Commons had made good their Impeachment? The Earl of Wharton reply'd,

That this Objection had been more proper, before the House had proceeded so far. However, the Earl of Rochester having mov'd,

E. of Rochester. that the Preamble be left out, the Earl of Wharton, and the rest agreed to it, and thereupon the Lord-Chancellor stated the Question thus, 'That

'the Question to be put to each Lord in *Westminster Hall*, beginning at the Junior Baron first, shall be, Is Dr. Henry Sacheverell guilty of High Crimes and Misdemeanors? The

Earl of Nottingham mov'd, that the Words of High Crimes and Misdemeanors be left out;

L. North and Grey. and was seconded by the Lord North and Grey: But the Earl of Wharton said, that what was

offer'd was unfair; 'For the Commons having Impeach'd Dr. Sacheverell of High

'Crimes and Misdemeanors, and the Lords agreed and resolv'd,

That

That  
necess  
Crime  
Matter,  
the Qu  
and Mif  
peachme  
and Sund  
Jessey e  
ing comp  
ley purs  
sons he  
Doctor S  
him by t  
orber;  
veral Cl  
nerally,  
goes by  
Therefor  
Judgmen  
the Lord  
of Fad  
might Pr  
on, grou  
the Cour  
himself  
That as  
Guilty,  
But that  
Four Art  
moderate  
tingham  
Doctor S  
mov'd, t  
put thus  
Misdeme  
was agre  
Then  
Lord shou  
according  
ought to  
the Lord  
Not Cont  
the Quest  
the Lord  
veral Pre  
but did  
Content.  
That



That the Commons had made good their Impeachment, it necessarily followed, that he was guilty of the said High Crimes and Misdemeanors. To moderate the

Matter, the Duke of Buckingham propos'd, that the Question be thus alter'd, *Of the Crimes and Misdemeanors charg'd upon him by the Impeachment* : To which the Earls of Wharton

D. of Buckingham.

and Sunderland readily agreed ; but the Earl of Jersey excepted against the Question, as being

E. of Wharton.

E. of Sunderland.

E. of Jersey.

L. Guernsey.

complex, or complicated. The Lord Guernsey pursu'd the same Objections, for the Reasons he had alledg'd before, viz. *That some Peers might think*

*Doctor Sacheverell Guilty of some of the Crimes charg'd upon him by the Impeachment of the Commons, and Innocent of the*

*other ; and urg'd an Instance of an Indictment containing several Charges, in which Case the Jury is not to answer ge-*

*nerally, but particularly to each Offence ; because the Judge goes by the Verdict, and imposes the Fine accordingly :*

*Therefore his Lordship mov'd, That each Peer should give his Judgment severally to each Article. To this*

*the Lord Somers answer'd, That the Matter of Fact was already settled, tho' every Peer*

Lord Somers.

*might Protest and Dissent ; That the Lord Guernsey's Objection, grounded on the Instance he brought in of Indictments, in*

*the Courts below, was very improper, because, as his Lordship himself had suggested, the Lords are both Judges and Jury.*

*That as Jury, they might, in Conscience, pronounce the Doctor Guilty, tho' they thought him Guilty of one Article only :*

*But that the Lords who did not think him Guilty of all the Four Articles, might afterwards, as Judges,*

*moderate the Punishment. The Earl of Nottingham reply'd, That for his Part, he thought*

E. of Nottingham.

ham.

*Doctor Sacheverell Guilty of no Crime ; and*

*mov'd, that the Particle The be left out, and the Question put thus, Is Doctor Sacheverell Guilty of High Crimes and*

*Misdemeanors charged upon him by the Impeachment ? Which was agreed to.*

Then it being propos'd, to consider what Answer each Lord should give ; the Lord Hallifax said, *That,*

*according to the Usage of Parliament, the Lords ought to answer, Content, or Not Content ; but*

L. Hallifax.

L. Ferrers.

*the Lord Ferrers alledg'd, That Content, or Not Content, was not an adequate Answer to*

E. of Nottingham.

*the Question ; and the Earl of Nottingham, and the Lord Guernsey, urg'd, That there were se-*

L. Jersey.

*veral Precedents for Guilty, or Not Guilty upon my Honour ;*

*but did not remember any for Content, or Not Content. The Lord Hallifax maintain'd his*

L. Hallifax.

Assertion,

Assertion, and said, *He wonder'd the Lord Nottingham did not know there were Precedents for Content, or Not Content*; and instanc'd in the Lord Somers's Trial, in which

the Lords gave their Judgment that Way: L. Guernsey. On the other Hand, the Lord Guernsey insisted upon answering *Guilty, or Not Guilty*; and was seconded by the Lord-Treasurer, who said, *That*

*there was a Difference between the Lords Voting in their House promiscuously, sometimes in Confusion, and their giving Judgment in Westminster-Hall; and that*

L. Hallifax. *the Precedent mention'd by the Lord Hallifax, was an extraordinary one, made in an extraordinary Case.* The Lord Hallifax moving for

E. of Wharton. *searching the Journals, and the Earl of Wharton, for following Precedent; the Clerk turn'd to,*

and read the Precedent of the Lord Somers's Impeachment, in which the Peers gave Judgment by *Content, or not Content*: But the Earl of Rochester desiring that other Precedents might be search'd; and urging, 'That there was a

D. of Buckingham. 'Difference between the Lords Voting in their House, and in *Westminster-Hall*, the Duke of Buckingham answer'd, That the Tryal was

'the same in *Westminster-Hall*, as if the Lords were in their House; that they removed to the Hall, only

'for the spaciousness of the Place; and therefore the Question ought to be answer'd, as if they were in the

E. of Ila. 'House, *Content, or not Content*: To this the Earl of Ila reply'd, That *Content, or not Content*,

'was a very improper, and ungrammatical Answer to the Question, *Is Doctor Sacheverell guilty of High-Crimes,*

'&c. And therefore either the Question ought to be alter'd, or the Answer be, *Guilty, or not Guilty.* Then the Lord

'Ferrers endeavour'd to shew the Inconveniencies that might attend the putting the Question as propos'd, alledging, 'That

'some of the Peers there present, might hereafter be Impeach'd and Repent, too late, the

Ld. Ferrers. 'having made such a Precedent of *giving Judgment generally.* The Earl of Anglesey pursu'd the same

Argument; adding, 'That if the Question was put, and Answer'd generally, the Majority of

E. of Anglesey. 'the People would not know what the Doctor was Condemn'd for: To which the Lord

Chancellor readily reply'd, That every Body would know he

'was either *Guilty, or not Guilty* of the Crimes charg'd on him by the Impeachment of the

Lord Chancellor. 'House of Commons. But the Earl of Marr insisted, 'That every Peer ought to be at Liberty

E. of Marr. 'to Vote *Guilty, or not Guilty*, to every Article

cle, otherwise it might happen, That though a majority  
 of the House might think *Dr. Sacheverell* Innocent upon  
 each Article, yet, by this Method of a general Answer,  
 he might be condemn'd of all, which seem'd inconsistent  
 with the usual Method of Justice in that  
 House. The Duke of *Buckingham* urged on D. of *Buck-*  
 the same side, ' That since the Judgement of the *ingham*.  
 House in this Case ought to be a Declaration  
 of the Law, the Condition of the People would be most mi-  
 ferable, to have Punishment for High-Crimes and Misde-  
 meanors, and not have a possibility of informing themselves,  
 what the Crimes thereby punish'd were, which they could  
 not learn from this general Determination; and that this  
 Uncertainty being in the Case of Clergymen for Preaching,  
 it might create some Fear in good Men, when they Preach  
 some Doctrines of the Church of *England*,  
 particularly that of *Non-Resistance*. The Earl E. of *Sun-*  
 of *Sunderland* calling for the Question, the Earl *derland*.  
 of *Anglesey* insisted on the Inconveniencies of *Anglesey*.  
 Answering Generally: Whereupon the Lord Lord Chan-  
 Chancellor mention'd four Inconveniencies that cellor.  
 might ensue, viz. First, ' That Clergymen would  
 know, that to preach against the *Revolution* was a High-  
 Crime and Misdemeanor. Secondly, That to preach against  
 the *Toleration*. Thirdly, Against the *Union*. And Fourth-  
 ly, To reflect on the Queen's Ministers, and suggest, That  
 the Church is in Danger under Her Majesty's Administra-  
 tion, were likewise High-Crimes and Misdemeanors: These  
 (said his Lordship) are the only Inconveniencies that I can  
 foresee will attend this Judgment; which ironical Turn won-  
 derfully pleas'd the Majority of the Assembly.  
 The Earl of *Wharton* calling then for the Que- Duke of  
 stion, the Duke of *Shrewsbury* said, ' That he *Shrewsbury*.  
 did not think the Doctor guilty of the first  
 Article: For as he had as great a Share as any Man in the  
 late Revolution, so he would over go as far as any to vindi-  
 cate the Memory of our late glorious Deliverer. That tho'  
 he thought the Church safe under her Majesty's Administra-  
 tion, yet he would not have it made a High-Crime and  
 Misdemeanor, to say, *That the Church is in Danger*; because  
 Times may come, when it might really be in Danger: And  
 in the Conclusion, insisted on *Voting Article by Article*. The  
 Lord *Carmarthen*, the Earl of *Anglesey*, and the Earl of *Not-*  
 tingham did the like; but the same being opposed by some  
 other Peers, the Lord Chancellor did, at last, propose this  
 Question, *Whether the Answer to be given by each Lord should*  
*be Guilty, or not Guilty, only; which being resolv'd in the Affir-*  
*mativ*e; then the main Question was put, whether it should be



ask'd, *Is Henry Sacheverell, Doctor in Divinity, Guilty of High Crimes and Misdemeanors, charg'd on him by the Impeachment of the House of Commons.* This was likewise carried in the Affirmative; But several Lords enter'd the following Protest.

Dissentient,

*Protestation of several Lords against the Manner of giving Judgment against Dr. Sacheverell.*

*First,* We do humbly Conceive that the obliging every Lord to answer generally, *Guilty, or not Guilty,* to a Question containing all the Articles of this Impeachment; is a kind of Tacking upon our selves, by an unnecessary Joining Matters of a Different Nature, and Subjecting them to one and the same Determination, and Consequently may Prejudice the Right every Peer has, to give a free Affirmative or Negative; Since, whoever thinks Doctor *Sacheverell* Guilty of one Part, and Innocent of the other, will be obliged either to Approve what He Condemns, or Condemn what He Approves.

*Secondly,* We humbly conceive, there is at least a Possibility, that tho' a Majority of the House, if admitted to Vote to the Articles Separately, may think him Innocent upon each Article, yet by this Method of a general Answer, he may be condemn'd of all; which seems not to be consistent with the usual Method of Justice in this House.

*Thirdly,* We do humbly conceive, That since the Judgment of the House in this Case, ought to be a Declaration of the Law, the Condition of the People will be most miserable, to have Punishment for High Crimes and Misdemeanors, and not have a Possibility of informing themselves what the Crimes thereby Punish'd, are; for the Peoples only Guide is the Law, and they can never be Guided by what they can never be Inform'd of: And we do humbly conceive, That this Uncertainty being in the Case of a Clergyman for Preaching, it may possibly create some Fear in Good Men when they Preach some Doctrines of the Church of England, particularly that of *Non-Resistance*; and may be made use of by ill Ones, as an Excuse for the Neglect of that Duty, which upon some Occasions, is required of them, even by the Laws of the Land.

Buckingham,  
Hamilton,  
Marr,  
Lexington,  
Dartmouth,  
Norfolk,  
Jo. York,  
W. Cestriens,  
Tho. Roffen,  
N. Duresme,  
Shrewsbury,  
Willoughby Br.

Haversham.  
Ormonde,  
Raufort,  
Denbigh,  
Northampton,  
Rocheſter,  
Weymouth,  
Craven,  
Osborne,  
Guilford,  
Leimpreſter,  
Leeds,

Berkſhire,  
Scarſdale,  
Yarmouth,  
Stawell,  
R. Ferrers,  
Poulet,  
Howard,  
Plymouth,  
Conway,  
Geo. Bath and  
Wells.

Angleſey,  
Thanet,  
Nottingham,  
H. London,  
Suffex,  
North & Gray,  
Abingdon,  
Jerſey,  
Leigh,  
Weſton,  
Guernſey,

† On Monday the 20th of March, the Lords, March 20  
pursuant to the Order of Saturday last, adjourn- the Lords  
ed into Westminster Hall, and being there, and give Judg-  
the Commons, in a Committee of the whole ment in  
House having taken their Places, the said Westmin-  
Chancellor said, ~~and he said~~ ster-Hall.

Your Lordships having fully heard and confi-  
dered of the Evidence and Arguments in this Case, have  
agreed upon a Question, which is severally to be put to your  
Lordships in the usual Order: The Question is this; That  
Doctor Henry Sacheverell is Guilty of High Crimes and Mis-  
demeanors charged on him by the Impeachment of the House  
of Commons:

Lord Pelham, What is your Lordship's Opinion; is Doctor  
Henry Sacheverell Guilty of High Crimes and Misdemeanors,  
charged on him by the Impeachment of the House of Commons?

Lord Pelham, Guilty.

The same Question was severally put to the rest, whose  
Names and Votes are as follow.

### GUILTY.

Lord Hervey,  
Lord Halifax,  
Lord Herbert,  
Lord Ossulston,  
Lord Cornwallis,  
Lord Rockingham,  
Lord Colepeper,  
Lord Byron,  
Lord Mohun,  
Lord Hansdon,  
Lord Paget,  
Lord Fitzwalter,  
Lord De la War,  
Bishop of St. Asaph,  
Bishop of Norwich,  
Bishop of Lincoln,  
Bishop of Oxford,  
Bishop of Peterborough,  
Bishop of Ely,  
Bishop of Sarum,  
Earl of Illy,  
Earl of Glasgow,  
Earl of Roseberry,  
Earl of Seafield,  
Earl of Orkney,  
Earl of Leven,  
Earl of Loudoun,

Earl of Crawford,  
Earl of Cholmley,  
Earl of Wharton,  
Earl of Greenwich,  
Earl of Grantham,  
Earl of Orford,  
Earl of Bradford,  
Earl of Warrington,  
Earl of Portland,  
Earl of Holderness,  
Earl of Berkeley,  
Earl of Radnor,  
Earl of Carlisle,  
Earl of Sunderland,  
Earl of Winchelsea,  
Earl of Stamford,  
Earl of Rivers,  
Earl of Manchester,  
Earl of Westmorland,  
Earl of Leicester,  
Earl of Bridgewater,  
Earl of Dorset and Middlesex,  
Earl of Lincoln,  
Earl of Derby,  
Marquiss of Dorchester,  
Lord Chamberlain of the  
Houshold,

Duke of *Dover*,  
 Duke of *Roxborough*,  
 Duke of *Montrose*,  
 Duke of *Bedford*,  
 Duke *Schomberg*,  
 Duke of *Bolton*,  
 Duke of *St. Albans*,  
 Duke of *Grafton*,  
 Duke of *Richmond*,  
 Duke of *Gleaveland* and *Sou-*  
*thampton*,  
 Lord *Steward*,  
 Lord *Privy Seal*,  
 Lord *President*,  
 Lord *Treasurer*,  
 Lord *Chancellor*,

---

Not GUILTY.

Lord *Conway*,  
 Lord *Guernsey*,  
 Lord *Haverham*,  
 Lord *Weston*,  
 Lord *Leimpster*,  
 Lord *Guilford*,  
 Lord *Stawell*,  
 Lord *Dartmouth*,  
 Lord *Osborne*,  
 Lord *Craven*,  
 Lord *Berkely* of *Stratton*,  
 Lord *Lexington*,  
 Lord *Leigh*,  
 Lord *Howard* of *Escrick*,  
 Lord *Chandos*,  
 Lord *North* and *Gray*,  
 Lord *Willoughby* of *Broke*,

Lord *Ferrers*,  
 Bishop of *Chester*,  
 Bishop of *Bath* and *Wells*,  
 Bishop of *Rocheſter*,  
 Bishop of *Durham*,  
 Bishop of *London*,  
 Lord Viſcount *Weymouth*,  
 Lord Viſcount *Say* and *Sala*,  
 Earl of *Northesk*,  
 Earl of *Wymes*,  
 Earl of *Marr*,  
 Earl of *Poulet*,  
 Earl of *Ferſey*,  
 Earl of *Scarborough*,  
 Earl of *Plimouth*,  
 Earl of *Abingdon*,  
 Earl of *Rocheſter*,  
 Earl of *Nottingham*,  
 Earl of *Yarmouth*,  
 Earl of *Suffex*,  
 Earl of *Angleſey*,  
 Earl of *Scarsdale*,  
 Earl of *Thanet*,  
 Earl of *Berkſhire*,  
 Earl of *Denhigh*,  
 Earl of *Northampton*,  
 Earl of *Pembroke*,  
 Duke *Hamilton*,  
 Duke of *Buckinghamſhire*,  
 Duke of *Leeds*,  
 Duke of *Shrewsbury*,  
 Duke of *Northumberland*,  
 Duke of *Beaufort*,  
 Duke of *Ormond*,  
 Archbiſhop of *York*,

Some Time having been ſpent by the Lord Chancellor in numbring the Opinion of the Lords, his Lordſhip told them, he had caſt them up with as much Exactneſs as he could, and he found that there were of their Lordſhips preſent in all One hundred twenty one; of theſe Sixty nine of their Lordſhips had found Doct<sup>r</sup> *Henry Sacheverell* guilty of the High Crimes and Miſdemeanors charged on him by the Impeachment of the Houſe of Commons, and Fifty two had found him not Guilty.

Then Doct<sup>r</sup> *Henry Sacheverell* was brought to the Bar, and kneel'd 'till he was bid to ſtand up by the Lord Chancellor, who

who  
 fully  
 Crim  
 of the  
 Th  
 ſhips  
 that  
 ſtand  
 nions  
 by w  
 to yo  
 now  
 fire  
 enter  
 Serm  
 peach  
 be n  
 I  
 by  
 Shin  
 Com  
 Kni  
 and  
 agre  
 of C  
 T  
 they  
 Sach  
 T  
 take  
 Doc  
 A  
 to  
 Her  
 I  
 not  
 S  
 to l  
 cle  
 T  
 for  
 his  
 Ye  
 Ex



who told him, Doctor *Henry Sacheverell*, *The Lords having fully considered of your Case, have found you Guilty of High Crimes and Misdemeanors, charged on you by the Impeachment of the House of Commons.*

Then Doctor *Sacheverell* said, My Lords, One of your Lordships Officers acquainted me, that it was your Lordships Order that neither I nor my Council might have the Privilege of standing at the Bar while your Lordships were giving your Opinions whether I was Guilty of the Crimes laid to my Charge; by which means I was prevented from offering several Matters to your Lordships Consideration, in Arrest of Judgment, which I now beg leave to offer to your Lordships Consideration, and I desire my Council may be heard to them. The first is, That no entire Clause, Sentence or Expression, contained in either of my Sermons or Dedications, is particularly set forth in my Impeachment, which I have already heard the Judges declare to be necessary in all Cases of Indictments or Informations.

I desire to add another Exception, That the Impeachment is by the Knights, Citizens and Burgeesses, Commissioners of Shires and Burghs, in the Name of Themselves and of all the Commons of *Great Britain*; but the Articles are only by the Knights, Citizens and Burgeesses, in the Name of Themselves and of all the Commons of *Great Britain*; which is neither agreeable to the Impeachment, nor to the Title of the House of Commons since the Happy Union.

Then the Lords Adjourned to the House above; where they took into Consideration the Matter moved by Doctor *Sacheverell* in Arrest of Judgment; and thereupon ordered,

That this House will, to Morrow at Eleven of the Clock, take into Consideration what Censure to pass upon the said Doctor *Henry Sacheverell*.

Accordingly on the the 21st of *March* the Lords took into Consideration, What Censure to give upon *Henry Sacheverell*, Doctor of Divinity.

And it being propos'd as follows,

*First*, That Dr. *Henry Sacheverell* be enjoyn'd not to Preach during the Term of Seven Years.

*Secondly*, That for the same Term of Years, to be made incapable of receiving any other Ecclesiastical Benefice, than what he now enjoys.

*Thirdly*, That he be imprisoned in the *Tower*, for three Months, and until he find Sureties for his good Behaviour during the Term of Seven Years, before the Two Chief Justices.

*Fourthly*, That his Sermons be Burnt by the Hangman, at the *Exchange*, in the Presence of the Lord Mayor and Sheriffs.

Then the House took the proposed Question into Consideration, Paragraph by Paragraph; and after Debate upon the first Paragraph,

*March 21st*  
*Debate in*  
*the House of*  
*Lords about*  
*the Censure*  
*to be pass'd*  
*on Dr. Henry*  
*Sacheverell.*

It was agreed to leave out the Word (Seven) and it being propos'd instead thereof to insert the Word (Three.)

The Question was put,

Whether the Blank in the first Paragraph shall be fill'd up with the Word (Three.)

It was Resolved in the Affirmative.

Then the Question was put,

That Dr. *Henry Sacheverell* shall be enjoin'd not to Preach during the Term of *Three Years*.

It was Resolved in the Affirmative.

Then the second Paragraph propos'd, was,

That Dr. *Henry Sacheverell* be made incapable of Receiving any Ecclesiastical Benefice for the space of *Three Years*.

And after Debate thereupon: This Question was put,

That Dr. *Henry Sacheverell* be made incapable of Receiving any further Ecclesiastical Benefice during the said Term of *Three Years*.

It was Resolved in the Negative.

Then the third Paragraph propos'd, was,

That Dr. *Henry Sacheverell* shall be imprisoned in the *Tower* for three Months, and until he find Sureties for his good Behaviour.

This was not insisted on.

Then the fourth Paragraph propos'd, was,

That Dr. *Sacheverell's* Two Sermons be Burnt by the Hangman at the *Exchange*, in the Presence of the Lord Mayor and Sheriffs.

And after further Debate, this Question was put,

That the Two Printed Sermons of Dr. *Henry Sacheverell*, refer'd to by the Impeachment of the House of Commons, shall be Burnt before the *Royal-Exchange* by the Hands of the Common-Hangman, in the Presence of the Lord-Mayor of *London*, and the Two Sheriffs of *London* and *Middlesex*.

It was Resolv'd in the Affirmative.

It is Order'd by the Lords Spiritual and Temporal in Parliament Assembled, that the Judgment to be pass'd in the Case of Dr. *Henry Sacheverell*, shall be:

That *Henry Sacheverell*, Doctor in Divinity, shall be, and is hereby enjoin'd not to Preach during the Term of *Three Years* next ensuing.

That Dr. *Henry Sacheverell's* Two Printed Sermons refer'd to by the Impeachment of the House of Commons, shall be Burnt before the *Royal-Exchange* in *London*, between the Hours of Twelve and One, on *Monday* the 27th Day of this Instant *March*, by the Hands of the Common-Hangman, in the Presence of the Lord Mayor of the City of *London*, and two Sheriffs of *London* and *Middlesex*.

Dissentient,

Dissentient,			
To. York,	Scarsdale,	Ashburnham,	Conway,
Abingdon.	Thanet,	Leimprester,	Osborne,
Beaufort,	Rocheſter,	Denbigh,	Plymouth,
H. London,	Poulet,	Berkſhire.	Suſſex,
North and Grey,	Angleſey,	Craven,	Weymouth,
N. Dureſme,	Tho. Roſſen.	Howard,	Nottingham,
Geo. Bath & Wells	R. Ferrers,	Scarborough,	Guernſey,
Buckingham,	Guildford,	Northampton,	Leigh,

The ſame Day, a Motion was made and the Queſtion put in the Houſe of Commons, That the Thanks of this Houſe be given to the Members who were appointed the Managers of the Impeachment againſt Doctor Henry Sacheverell, for their faithful Management in the Diſcharge of the Truſt repoſ'd in them: Which, after a Debate thereupon, was carry'd in the Affirmative, by a Majority of 175 Voices againſt 115. And Mr. Speaker gave them (they ſtanding up in their Place) the Thanks of the Houſe accordingly.

On the 22d of March, the Lords ſent a Meſſage to the Houſe of Commons to acquaint them, That their Lordſhips were ready to give Judgment in the Caſe of Henry Sacheverell, Doctor in Divinity, if they with their Speaker would come and demand the ſame: Whereupon, it was debated, whether the Houſe would demand Judgment? Moſt of the Doctor's Friends were for the Negative, hoping that the reſt who thought the Sentence *too moderate*, would have join'd with them; which would have ended in the Doctor's Impunity; and perhaps, occaſion'd a Miſunderſtanding between the two Houſes: But not above four or five Members joining with them, it was reſolv'd (by a Majority 165 Votes againſt 117) that the Commons would demand Judgment of the Lords againſt Dr. Henry Sacheverell.

Thoſe Gentlemen who oppos'd the Doctor's Proſecution in every Step of it, and ſpoke on this Occaſion againſt Demanding Judgment, urg'd, ' That the Lords could not give Judgment, unleſs the Commons demanded it: And that the Commons were at Liberty, whether they would demand it or not, according to the Reaſon given by the Commons, ' when they inſiſted to be preſent at the Tryal of the Earl of Strafford, as a Committee of the whole Houſe, *That they held it fit and neceſſary, that all the Members ſhould be preſent at the Tryal, to the end every one might ſatisfy his own Conſcience, in the giving his Vote to demand Judgment*: And when that Tryal was over, no Judgment was demanded. That in

*The Commons return Thanks to their Managers,*  
March 21ſt.

*The Commons reſolv'd to demand Judgment againſt Dr. Sacheverell.*



the present Case, they were against demanding Judgment, because of the Precedent of this Proceeding, which might be very dangerous to innocent Men hereafter; for none could be safe, if *Innuendo's*, and strain'd Constructions, should be admitted for Evidence. That they thought, the Lords had made dangerous Precedents, in taking upon them to declare the Law and Usage of Parliament, without one Precedent for it; and directly contrary to many; for the Case of Dr. *Manwaring* could not be a Precedent, he submitting and pleading Guilty. That the Lords also put the Question of *Guilty* upon all the Articles together, which was such a complicated Question, they could not give their Vote freely: And it was said to be a Reason, why some of them did not Vote. And that the Lords, who are both Jury and Judges, were not under the Obligation of an Oath, or upon their Honour. But these Arguments were answer'd and over-rul'd by the Majority of the House.

*March 23.* On *Thursday*, the 23d of *March*, a Message was brought from the Commons to the House of Lords, to acquaint their Lordships, That the House of Commons, with their Speaker, did intend immediately to come to the House of Lords to demand Judgment against Doctor *Henry Sacheverell*, and therefore desir'd that the Painted Chamber and Passage to the House (of Lords) might be clear'd.

The Messengers were called in and told, the Lords would give Order as desired.

Which was done accordingly.

Then the House of Lords Adjourned during Pleasure to Robe.

And being resumed,

The Commons, with their Speaker, being present at the Bar of the House of Lords,

The Deputy-Gentleman Usher of the Black-Rod brought the Prisoner to the Bar, who, after low Obediences made, kneel'd, until the Lord-Chancellor bid him stand up.

Then the Speaker of the House of Commons said as followeth, viz.

*My Lords, The Knights, Citizens and Burgeses in Parliament assembled, in the Name of themselves and of all the Commons of Great Britain, did at this Bar Impeach Doctor Henry Sacheverell of High Crimes and Misdemeanors, and did exhibit Articles of Impeachment against him, and have made good the same.*

*I do therefore, in the Name of the Knights, Citizens and Burgeses in Parliament Assembled, and of all the Commons of Great Britain, demand Judgment of your Lordships against Doctor Henry Sacheverell, for the said High Crimes and Misdemeanors.*

Then

Then the Lord-Chancellor said,

Mr. *Speaker*, The Lords are now ready to proceed to Judgment in the Case by you mention'd.

Doctor *Sacheverell*, The Lords having found you Guilty of High Crimes and Misdemeanors, charg'd on you by the Impeachment of the House of Commons; and you being thereupon admitted to the Bar, and acquainted therewith, moved two Things in Arrest of Judgment.

First, That no entire Clause of either of the Books or Sermons referr'd to in the Impeachment, is specify'd, or particularly set forth, in any of the Articles of Impeachment.

Secondly, That in the Title of the Articles exhibited by the Commons the Stile of the Commons runs thus,

*The Knights, Citizens and Burgeses in Parliament assembled, in the Name of themselves, and of all the Commons of Great Britain, &c.* Omitting the Words, Commissioners of Shires and Burghs.

I am to acquaint you, That the Lords took these Points into Consideration.

I. And as to the First, they found

That on Occasion of the Question before put to the Judges in *Westminster-Hall* in this Case, and their Answer thereto, their Lordships had before fully debated and considered of that Matter, and had come to the following Resolution:

That this House will proceed to the Determination of the Impeachment of Doctor *Henry Sacheverell*, according to the Law of the Land, and the Law and Usage of Parliament.

And after to this Resolution;

That the Law and Usage of Parliament, in Prosecutions by Impeachments for High Crimes and Misdemeanors, by Writing or Speaking, the particular Words supposed to be Criminal are not necessary to be expressly specify'd in such Impeachments.

So that, in their Lordships Opinion, the Law and Usage of the High Court of Parliament being a Part of the Law of the Land, and that Usage not requiring the Words should be expressly specify'd in Impeachments, the Answer of the Judges, which related only to the Course us'd in Indictments and Informations, does not in the least affect your Case.

II. As to the Second,

Their Lordships finding that in the Act made in the Sixth Year of Her now Majesty, For rendring the Union of the Two Kingdoms more entire and compleat, the Terms Commissioners of Shires, and Knights of the Shires, Commissioners of Boroughs and Burgeses, are used as Synonimous Terms, signifying the same Thing; They were clearly of Opinion there can be no Weight in that Exception, and accordingly Overruled the same; without entring into the further Consideration,

tion, how far a Mistake in the Title of the Articles would Viciate or Avoid an Impeachment, if such a Mistake had happen'd.

So that the Lords find themselves oblig'd *by Law* to proceed to Judgment against you, which I am order'd to pronounce.

And in which you cannot but observe an extream Tender-ness towards your Character, as a Minister of the Church of England.

Therefore this High-Court doth adjudge as followeth,

*That you, Henry Sacheverell, Doctor in Divinity, shall be, and you are hereby enjoin'd not to Preach during the Term of Three Years next ensuing.*

Judgment  
pronounc'd a-  
gainst Doctor  
Sacheverell.

*That your two printed Sermons, referr'd to by the Impeachment of the House of Commons, shall be Burnt before the Royal-Exchange in London, between the Hours of One and Two of the Clock, on the Twenty seventh Day of this Instant March, by the Hands of the Common Hangman, in the Presence of the Lord-Mayor of the City of London, and the Sheriffs of London and Middlesex.*

Then the Speaker with the Commons return'd to their House; and Doctor Sacheverell being withdrawn,

The House was Adjourned during Pleasure, to Unrobe.

It is Ordered by the Lords Spiritual and Temporal in Parliament assembled, That Doctor Henry Sache-

*Orders of the  
Lords for Bur-  
ning Doctor  
Sacheverell's  
Sermons, and  
other Books,  
&c.*

*verell's two printed Sermons, one preach'd at Derby Assizes, and the other at St. Pauls, London, referr'd to by the Impeachment of the House of Commons, shall be Burnt before the Royal-Exchange in London, between the Hours of One and Two of the Clock, on the Seven and twentieth Day of this Instant March, by the Hands of the Common Hangman, in the Presence of the Lord-Mayor of the City of London, and the Sheriffs of London and Middlesex.*

*To the Lord-Mayor of the City of London, and the Sheriffs of London and Middlesex.*

The House taking into Consideration a Judgment and Decree of the University of Oxford, pass'd in their Convocation the One and twentieth of July, One thousand six hundred eighty three, given in Evidence by Doctor Henry Sacheverell at his Tryal, upon the Impeachment of the House of Commons, and thereupon lately Reprinted, It is Resolved by the Lords Spiritual and Temporal in Parliament assembled,

That



That the said Judgment and Decree contains in it several Positions contrary to the Constitution of this Kingdom, and destructive to the Protestant Succession as by Law Establish'd.

It is thereupon Ordered by the Lords Spiritual and Temporal, in Parliament assembled, That the said Judgment and Decree, lately Printed and Publish'd in a Book or Pamphlet, intitl'd, *An Entire Confutation of Mr. Hoadley's Book of the Original of Government, taken from the London Gazette, Publish'd by Authority, London, Reprinted in the Year 1710*, shall be Burnt by the Hands of the Common Hangman, in the Presence of the Sheriffs of London and Middlesex, at the same Time and Place when and where the Sermons of Doctor Henry Sacheverell are ordered to be Burnt.

To the Sheriffs of London and Middlesex.

The Commons being return'd to their House, the Lord-Mayor of London, who was not a little mortify'd at his being, by the Lords Sentence, oblig'd to assist at the Burning of a Sermon he had approv'd, and the Printing whereof (as Doctor Sacheverell asserts in his Dedication) he had Commanded, desir'd and mov'd, That he might be excus'd from Attending at the said Execution, he being a Member of the House. And a Debate arising thereupon, the same was put off 'till the House was inform'd what Answer the Lord-Mayor had return'd to the Sheriffs, when they should demand of him, whether he would Attend, or not: And so that Business dropt.

*The Lord-Mayor moves to be excus'd from attending at the Burning of the two Sermons.*

On the 24th of March, there was a great Debate in the House of Commons about a Motion, 'That an humble Address be presented to Her Majesty, that She be graciously pleas'd to issue Her Royal Proclamation to appoint a Day of publick Fasting and Humiliation, to deprecate the Divine Vengeance, which they had just Reason to fear, on Account of those horrid Blasphemies which had been vented, publish'd and printed in this Kingdom, notwithstanding Her repeated Proclamations that had been issu'd for putting the Laws in Execution against the Authors, and the several Prosecutions against such Offenders. Those who made and back'd this Motion, being Doctor Sacheverell's Friends, thought thereby, in some Measure, to justify what he had advanc'd in his Sermon, about the *Church being in Danger*, which, in his Defence, he had ascrib'd to the heretical and blasphemous Positions lately publish'd: But some other Members, who perceiv'd the Tendency of that Motion, propos'd, that to the said

*March 24th, Debate in the House of Commons about an Address for a Fast.*

said Address the following Words should be added, ' Many of which Blasphemies have again, in a most irregular, extraordinary, and insolent Manner been printed, publish'd, and dispers'd throughout the Kingdom, to the Scandal of all good Christians, by Doctor *Henry Sacheverell*, during the Course of his late Trial. Those who made the Motion, not liking this Addition, would have dropt the Address; but the others insisting that it should be presented; the Question was put, and resolv'd, in the Affirmative, by a Majority of 144 Voices against 69: However, when the said Address was, by Mr. *Secretary Boyle*, presented to Her Majesty, She was pleas'd to return this Answer :

*A publick Fast having been in this part of the Kingdom on the Fifteenth of this Month, which is yet to be The Queen's observ'd in North Britain on the Twenty ninth, Answer to Her Majesty thinks it not proper to appoint another Fast so soon, but will take it into Her Consideration at a more convenient Time.*

The same Day ( *March the 24th* ) a Complaint being made to the House of a printed Book, intitl'd, *Collections of Passages referr'd to by Doctor Henry Sacheverell, in his Answer to the Articles of Impeachment, under four Heads, 1. Testimonies concerning the Doctrine of Non-Resistance to the supream Powers. 2. Blasphemous, Irreligious, and Heretical Positions, lately publish'd. 3. The Church and Clergy abus'd. 4. The Queen, State and Ministry reflected upon. The second Edition.* Which Book was produc'd, and brought up to the Table, where some Paragraphs ( under the Head of Blasphemy, Irreligion and Heresy ) were read? after which, it was order'd,

*That the said Book should, the next Day, be burnt by the Hands of the Common Hangman; and that the Sheriffs of London and Middlesex should assist the Serjeant at Arms attending the House, in seeing the said Book burnt.*

The next Day, ( *March the 25th* ) upon a Complaint made to the House, by Dr. *Sacheverell's* Friends, of a printed Book, intitl'd, *The Rights of the Christian Church asserted, against the Romish, and all other Priests, who claim an independent Power over it, with a Preface concerning the Church of England, as by Law establish'd.* And also of another printed Book, intitl'd, *A Defence of the Rights of the Christian Church, in two Parts. Part first, against Mr. Wootton's Visitation Sermon, preach'd at Newport-Pagnel. Part second, Occasion'd by two late Indictments against a Bookseller, and his Servant, for Selling one of the said Books; with some Tracts of Hugo Grotius, and Mr. John Hales, of Eaton. The second Edition, Corrected. To which is added, a Letter from a Country Attorney to a Country Parson, concerning*

ing the Right of the Church, never publish'd before. And likewise Monsieur Le Clerc's *Extract and Judgment of the said Book, translated from his Bibliotheque Choicse*. London, printed in the Year MDCCIX. The same were produc'd; and brought up to the Table; and some Paragraphs and Passages therein contain'd being read, it was resolv'd, That the said Books are Scandalous, Seditious, and Blasphe-mous Libels, highly Reflecting upon the Christian Religion, and the Church of England, and tend to promote Immorality and Atheism, and to create Divisions, Schisms, and Factions among Her Majesty's Subjects; and order'd, That the said Book be that Day burnt by the Hands of the common Hang-man. A Complaint being likewise made to the House, of a printed Book, intitl'd, *Traſſatus Philosophico Theologicus de Persona: Or, a Treatise of the Word Person; shewing, 1. How it signifies in respect of Men. 2. How it came in Use, with respect to the Deity. 3. How it hath been us'd since by Divines. 4. How it is to be understood, with respect to the Doctrine of the Trinity, as held by the Church of England, and establish'd by our Laws, and particularly by the Act 9 and 10 of William the Third.* By John Clendon, of the Inner-Temple, Esq; Printed for John Wal-thoe, in the Middle-Temple Cloysters; the same was produc'd, and brought up to the Table; and some Passages therein being read, it was resolv'd, ' That the said printed Book is a Scandalous, Seditious, and Blasphe-mous Libel, highly Reflecting upon the Christian Religion, and Church of England, and tends to promote Atheism, Schism and Immorality; and to create Factions and Divisions among Her Majesty's Subjects; Ordered, that the said Book be that Day burnt by the Hands of the common Hang-man; and resolv'd, That an humble Address be presented to Her Majesty, ' That She would be graciously pleas'd to direct Her Attorney-General to Prosecute the Authors of the said printed Books, and the Publishers thereof, and the Authors and Publishers of all other Scandalous, Seditious and Schismatical, Atheistical and Blasphe-mous Books.

According to the Orders of the Commons, Dr. Sacheverell's Collections, and the Books they had censur'd, were that Day burnt in the *Pallace-Yard, Westminster*, as were the *Monday (March the 27th)* following, before the *Royal-Exchange*, the Doctor's two Sermons; as also the Decree made by the University of *Oxford*, in *July, 1683*, asserting the Doctrine of Passive-Obedience and Non-Resistance.

Other Blasphe-mous Books order'd likewise to be burnt.

Several Books, and Dr. Sacheverell's Collections and Sermons. As also the Decree of the University of Oxford.



**A LIST of the Members of the Honourable House of Commons, for *England and Wales*, who, in some or other of the Questions upon the Impeachment of Dr. *Henry Sacheverell* for High Crimes and Misdemeanors, voted for and against him.**

Note, *Those with this Mark [ † ] were for the Doctor. The rest against Him. The Managers are mark'd thus [ \*\* ].*

*Bedfordshire.*

**R**ight Hon. Edward Ruffel,  
Sir William Gostwick, Bar.  
Town of Bedford.

William Farrer, Esq;  
William Hillerston, Esq;

*Barks.*

† Sir John Stonehouse, Bar.  
Richard Nevill, Esq;  
Borough of New-Windsor.  
Right Hon. John Ld. Visc. Fitz-

harding,  
Richard Topham, Esq;  
Borough of Reading.

† Anthony Blagrave, Esq;  
Owen Buckingham, Esq;  
Borough of Wallingford.

Grey Nevill, Esq;  
† Thomas Renda, Esq;

Borough of Abingdon.  
William Hucks, Esq;

*Bucks.*

Richard Hampden, Esq;  
Town of Buckingham.  
Sir Richard Temple, Bar.  
Alexander Denton, Esq;

Borough of Chipping-Wicomb.  
Charles Godfrey, Esq;  
Fleetwood Dormer, Esq;

Borough of Aylesbury.  
Simon Mayne, Esq;

Borough of Agmondesham.  
† Francis Dancombe, Esq;

† Sir Samuel Garrard, Bar.  
Borough of Wendover.

Harry Grey Nevill, Esq;  
Sir Roger Hill, Kt.

Borough of Great-Marlow.  
† Sir James Etheridge, Kt.

James Chase, Esq;

*Cambridgeshire.*

Sir Rushout Cullen, Bar.

† John Bromley, Esq;  
University of Cambridge.

† Hon. Arthur Annesley, Esq;  
† Hon. Dixey Windsor, Esq;

Town of Cambridge.  
† John Hynde Cotton, Esq;

† Samuel Shepherd, Esq;  
*Cheshire.*

Hon. Langham Booth, Esq;  
John-Crew Offley, Esq;

City of Chester.  
† Sir Henry Bunbury, Bar.

† Peter Shakerley, Esq;  
*Cornwall.*

† James Buller, Esq;  
Borough of Dunhivid, alias  
Launceston.

† Rt. Hon. Henry Lord Hyde,  
† William Cary, Esq;

Borough of Leskard.  
\*\* John Dolben, Esq; *Dead.*

Borough of Leftwithiel.  
Francis Robarts, Esq;

Borough of Truro.  
Robert Furness, Esq;

Henry Vincent, Esq;  
Borough of Bodmin.

Hon. Russell Robarts, Esq;  
† John Trevanion, Esq;

Borough of Helfstone.  
John Evelyn, Esq;

Sidney Godolphin, Esq;  
Borough of Saltash.

† Sir Chomley Dering, Bar.  
† Alexander Pendarves, Esq;

Borough of Camelford.  
† John Manley, Esq;

Borough

**Borough of Portsmouth, alias  
Westflow.**† John Conyers, Esq.;  
**Borough of Grampound.**

James Craggs, Esq.;

Thomas Scawen, Esq.;

**Borough of Eastflow.**

† Sir Henry Seymour, Bar.

† Harry Trelawny, Esq.;

**Borough of Tregony.**

Anthony Nicoll, Esq.;

† Thomas Herene, Esq.;

**Borough of Boffiney.**

Samuel Travers, Esq.;

Francis Foot, Esq.;

**Borough of St. Ives.**

† John Praed, Esq.;

† John Borlace, Esq.;

**Borough of Foway.**

† George Grandville, Esq.;

Henry Vincent, Jun. Esq.;

**Borough of St. German.**

† Edward Eltor, Esq.;

† Francis Scobell, Esq.;

**Borough of St. Michael.**

Hugh Fortescue, Esq.;

Sir William Hodges, Bar.

**Borough of Newport.**

† Sir Nicolas Morice, Bar.

† Sir William Pole, Bar.

**Cumberland.**

† Gilfred Lawson, Esq.;

**City of Carlisle.**\*\* Sir James Mountague, Kt.  
*Her Majesty's Attorney-General.***Borough of Cocker-mouth.**

\*\* James Stanhope, Esq.;

Hon. Albermarle Bertie, Esq.;

**Derbyshire.**

Right Hon. Thomas Coke, Esq.;

**Vice-Chamberlain.**

† John Curzon, Esq.;

**Town of Derby.**\*\* Sir Tho. Parker, *Lord Chief  
Justice of the Queen's Bench.***Devonshire.**

† Sir William Courtenay, Bar.

† Robert Rolle, Esq.;

**City of Exeter.**

† Nicolas Wood, Esq.;

John Harris, Esq.;

**Borough of Totneis.**

† Sir Edward Seymour, Bar.

† George Courtenay, Esq.;

**Borough of Plymouth.**

Sir George Bying, Kt.

**Town of Oakehampton.**

John Dibble Esq.;

**Borough of Barnstable.**

† Richard Ackland, Esq.;

† Nicolas Hooper, Esq. *ONE of  
Her Majesty's Serjeants at Law.***Borough of Plympton.**

George Treby, Esq.;

**Borough of Honiton.**

† Sir Will. Drake, Kt. and Bar.

Sir Walter Yonge Bar.

**Borough of Tavistock.**

Sir John Cope, Jun. Kt.

Henry Manaton Esq.;

**Borough of Ashburton.**

Roger Tuckfield Esq.;

Robert Balle Esq.;

**Borough of Clifton Dartmouth-  
Hardnes.**

† Nathanael Herne, Esq.;

† Frederick Herne, Esq.;

**Borough of Boreham.**

\*\* Spencer Cowper Esq.;

\*\* Sir Peter King, Kt. Recorder  
of the City of London.**Borough of Tiverton.**

Thomas Bere, Esq.;

† Richard Mervin, Esq.;

**Dorsetshire.**

† Thomas Strangeways, Esq.;

† Thomas Chaffin, Esq.;

**Town of Pooh.**

† William Leven, Esq.;

Thomas Ridge, Esq.;

**Borough of Dorchester.**

Awnsham Churchill, Esq.;

**Borough of Lyme-Regis.**

Thomas Freke, Esq.;

John Burrige, Esq.;

**Borough of Melcomb-Regis.**

Hon. Maurice Ashley, Esq.;

Anthony Henley, Esq.;

**Borough of Bridport.**

† Tho. Strangeways, Jun. Esq.;

William Coventry, Esq.;

**Borough of Shafton, alias****Shaftsbury.**

Sir John Cropley, Bar.

† Edward Nicolas, Esq.;

**Borough of Wareham.**

Rt. Hon. Thomas Erle, Esq.;

† George Pitt, Esq.;

**Borough of Corfe-Castle.**

† John Bankes, Esq.;

† Richard Fownes, Esq.;

**Durham.**

Hon. William Vane, Esq.;

† Sir Robert Eden, Bar.

**Borough of Weymouth.**

Edward Clavell, Esq.;

**City of Durham.**

† Thomas Conyers, Esq;  
 James Nicholson, Esq;

*Essex.*

Thomas Middleton, Esq;  
 Borough of Colchester.

Sir Isaac Rebow, Kt.

Sir Thomas Webster, Bar.  
 Borough of Malden.

† Sir Richard Child, Bar.

Thomas Richmond, Esq;  
 Borough of Harwich.

Kendrick Edisbury, Esq;

Thomas Frankland, Esq;  
*Gloucestershire.*

Matthew Ducie Morton, Esq;

Sir John Guise, Bar.

*City of Gloucester.*

Francis Windham, Esq;

† Thomas Webb, Esq;

Borough of Cirencester.

† Allen Bathurst, Esq;

† Charles Cox, Esq;

Borough of Tewsbury.

Henry Ireton, Esq;

*Herefordshire.*

† Rt. Hon. James Lord Viscount  
 Scudamere.

† John Prife of Wisteston, Esq;

City of Hereford.

Hon. James Brydges, Esq;

† Thomas Foley, Esq;

Borough of Lempster.

\*\* Hon. Tho. Ld. Coningsby,

† Edward Harley, Esq;

Borough of Weobly.

John Birch, Esq; *Serj. at Law,*

† Henry Gorges, Esq;  
*Hertfordshire.*

† Ralph Freeman, Jun. Esq;

† Thomas Halfey, Esq;

Borough of St. Albans.

† John Gape, Esq;

Joshua Lomax, Esq;

Borough of Hertford.

Sir Thomas Clerk, Kt.

William Monson, Esq;

*Huntingtonshire.*

† John Probey, Esq;

John Pocklington, Esq;

Borough of Huntington.

Edw. Wortley, *alias* Moun-

tague, Esq;

Francis Page, Esq;

*Kent.*

Sir Thomas Palmer, Bar.

David Pohill, Esq;

**City of Canterbury.**

Hon. Edward Watton, Esq;

Thomas D' Aeth Jun. Esq;

*City of Rochester.*

Sir Stafford Fairborn, Kt.

Sir John Leake, Kt.

Borough of Maidstone.

Sir Thomas Colepepyr, Bar.

Sir Robert Marsham, Bar.

Borough of Queenborough.

Sir John Jennings, Kt.

Henry Withers, Esq;

*Lancashire.*

† Richard Shuttleworth, Esq;  
 Borough of Preston in Amoun-  
 derness.

† Henry Fleetwood, Esq;

Arthur Manwaring, Esq;

Borough of Lancaster.

† Robert Heytham, Esq;

† William Heytham, Esq;

Borough of Newton.

† Jo. Ward of Capesthorpe, Esq;

Borough of Wigan.

Sir Roger Bradshaigh, Bar.

Henry Bradshaigh, Esq;

Borough of Clithero.

† Edward Harvey, Esq;

† Christopher Parker, Esq;

Borough of Liverpool.

Sir Thomas Johnson, Kt.

Richard Norris, Esq;

*Leicestershire.*

† Jeffery Palmer, Esq;

Sir Gilbert Pickering, Bar.

Town of Leicesters.

† Sir George Beaumont, Bar.

† James Winstanley, Esq;

*Lincolnshire.*

† Rt. Hon. Peregrine, Ld. Wil-

loughby of Eresby,

George Whichcot, Esq;

*City of Lincoln.*

† Sir Thomas Meres, Kt.

† Thomas Lister, Esq;

Borough of Boston.

Hon. Peregrine Bertie, Esq;

† Richard Wynn, Esq;

Borough of Great Grimsby.

† Arthur Moor, Esq;

William Cotsworth, Esq;

Borough of Stamford.

† Hon. Charles Cecil, Esq;

† Hon. Charles Bertie, Esq;

Borough of Grantham.

Sir William Ellys, Bar.

*Middlesex.*



*Middlesex.*

John Austin, Esq;  
 Scorie Barker, Esq;  
 City of Westminster.  
 \*\* Rt. Hon. Henry Boyle, Esq;  
 one of Her Majesty's Principal  
 Secretaries of State.  
 † Thomas Medlicott, Esq;  
 City of London.  
 † Sir William Withers, Kt.  
 Sir William Ashurst, Kt.  
 Sir Gilbert Heathcote, Kt.  
 † John Ward, Esq;  
*Monmouthshire.*  
 John Morgan, of Tredegar, Esq;  
 † Right Hon. Tho. Lord Viscount  
 Windsor.  
 Borough of Monmouth.  
 † Clayton Milborn, Esq;  
*Norfolk.*  
 \*\* Sir John Holland, Bar. Comp-  
 troller of the Household.  
 Ash Windham, Esq;  
 City of Norwich.  
 Waller Bacon, Esq;  
 John Chambers, Esq;  
 Town of Lyn-Regis.  
 Sir Charles Turner, Kt.  
 \*\* Robert Walpole, Esq; Secre-  
 tary at War.  
 Town of Great Yarmouth.  
 † Richard Ferrier, Esq;  
 Borough of Thetford.  
 Robert Baylis, Esq;  
 Thomas De Grey, Esq;  
 Borough of Castle Rising.  
 Hon. William Fielding, Esq;  
 † Horatio Walpole, Esq;  
*Northamptonshire.*  
 † Sir Justinian Isham, Bar.  
 † Thomas Cartwright, Esq;  
 City of Peterborough.  
 Hon. Sidney Wortley, alias  
 Montague, Esq;  
 † Sir Gilbert Dolben, Bar.  
 Town of Northampton.  
 Hon. George Montague, Esq;  
 † Francis Arundell, jun. Esq;  
 Town of Brackley.  
 Hon. Charles Egerton, Esq;  
 Hon. William Egerton, Esq;  
 Borough of Higham Ferrars.  
 † Hon. Tho. Wentworth, Esq;  
*Northumberland.*  
 † Thomas Forster, jun. Esq;  
 Town of Newcastle upon Tyne.  
 William Carr, Esq;  
 Sir Henry Lyddell, Bar.

Borough of Morpeth.  
 Sir Richard Sandford, Bar.  
 Sir Jo. Barnet, Kt. Serjeant at  
 Law.

Town of Berwick upon Tweed.  
 Jonathan Hutchinson, Esq;  
*Nottinghamshire.*

John Thornhagh, Esq;  
 Town of Nottingham  
 John Plumtree, Esq;  
 Robie Sherwin, Esq;  
 Borough of East Redford.

Thomas White, Esq;  
 † William Levinz, Esq;  
 Town of Newark upon Trent.  
 Hon. Richard Sutton, Esq;  
*Oxon.*

Rt. Hon. Francis Lord Viscount  
 Rialton.

† Sir Robert Jenkinson, Bar.  
 University of Oxford.  
 † Sir William Whitlock, Kt.  
 † William Bromley;  
 City of Oxon.

† Sir John Walter, Bar.  
 † Thomas Rowney, Esq;  
 Borough of New Woodstock  
 Sir Thomas Wheate, Bar.  
 Borough of Banbury.  
 † Hon. Charles North, Esq;  
*Rutlandshire.*

Philip Sherard, Esq;  
 † Richard Halford, Esq;  
*Salop.*

Rt. Hon. Henry Ld. Newport.  
 Sir Robert Corbett, Bar.  
 Town of Salop.  
 Sir Edward Leyton, Kt.  
 Jones, Esq;  
 Borough of Bruges, *alias*

Bridgnorth.

Sir Humphrey Briggs, Bar.  
 Borough of Ludlow.  
 † Sir Thomas Powys, Kt. Her  
 Majesty's Serjeant at Law.

† Aston Badwyn, Esq;  
 Borough of Great Wenlock.  
 Sir William Forester, Kt.  
 Thomas Weld, Esq;  
 Town of Bishop's Castle.

Richard Harnage, Esq;  
 Charles Mason, Esq;  
*Somersetshire.*

† Henry Portman, Esq;  
 † John Prowse, Esq; deceased.

City

City of Bristol  
 Robert Yate, Esq;  
 Sir William Daines, Kt.  
 City of Bath.  
 William Blaithwaite, Esq;  
 † Samuel Trotman, Esq;  
 City of Wells.  
 † Edward Colston, Jun. Esq;  
 William Coward, Esq;  
 Borough of Taunton.  
 † Sir Francis Warre, Bar.  
 Borough of Bridgewater.  
 George Dodington, Esq;  
 George Balch, Esq;  
 Borough of Minehead.  
 † Sir John Trevelyan, Bar.  
 † Sir Jacob Banks, Kt.  
 Borough of Ilchester.  
 † Edward Philipps, Esq;  
 † James Johnson Esq;  
 Borough of Milburn Port.  
 Thomas Smith, Esq;  
*Southampton.*  
 Rt. Hon. Charles, Lord Marquis  
 of Winchester.  
 City of Winchester.  
 \*\* Rt. Hon. Ld. Will. Powlett;  
 George Rodney Bridges, Esq;  
 Town of Southampton.  
 † Simeon Stewart, Esq;  
 Adam de Cardonnel, Jun. Esq;  
 Town of Portsmouth.  
 Sir Charles Wager, Kt.  
 Borough of Yarmouth.  
 † Henry Holmes, Esq;  
 Anthony Morgan, Esq;  
 Borough of Petersfield.  
 † Leonard Bilson, Esq;  
 Hon. Norton Powlett, Esq;  
 Borough of Newport, alias Me-  
 dena.  
 Sir Tristram Dillington, Bar.  
 † William Stephens, Esq;  
 Borough of Stockbridge.  
 \*\* Sir John Hawles, Kt.  
 Sir Edward Lawrence, Kt.  
 Borough of Newton.  
 James Worsley, Esq;  
 Henry Worsley, Esq;  
 Borough of Christ Church.  
 † Francis Gwyn, Esq;  
 † William Ettrick, Esq;  
 Borough of Lymington.  
 Paul Burrard, Esq;  
 Richard Chaundler, Esq;  
 Borough of Whitchurch.  
 Richard Woolaston, Esq;  
 George Bridges, Esq;

Borough of Andover.  
 \*\* Rt. Hon. John Smyth, Esq;  
 William Guidott, Esq;  
*Staffordshire.*  
 † Hon. Henry Pagett, Esq;  
 † John Wrottesley, Esq;  
 City of Litchfield.  
 † John Cotes, Esq;  
 Borough of Stafford.  
 † Thomas Foley, Esq;  
 Walter Cherwynd, Esq;  
 Borough of Newcastle-under-Lime.  
 Crew Offley, Esq;  
 John Lawton, Esq;  
 Borough of Tamworth.  
 † Jose. Girdler, Esq; Serj. at Law.  
 Richard Swinfen, Esq;  
*Suffolk.*  
 † Sir Thomas Hammer, Bar.  
 † Sir Robert Davers, Bar.  
 Borough of Ipswich.  
 William Churchill, Esq;  
 † Sir William Barker, Bar.  
 Borough of Dunwich.  
 Sir Richard Allen,  
 Daniel Harvey, Esq;  
 Borough of Orford.  
 † Clement Carrance, Esq;  
 \*\* William Thompson, Esq;  
 Borough of Aldborough.  
 † Sir Henry Johnson, Bar.  
 † William Johnson, Esq;  
 Borough of Sudbury.  
 Philip Skippon, Esq;  
 Sir Harvey Elwes, Bar.  
 Borough of Eye.  
 \*\* Hon. Spencer Compton, Esq;  
 \*\* Sir Joseph Jekyl, Kt. Lord  
 Chief Justice of England.  
 Borough of St. Edmundsbury.  
 † Jos. Weld Esq; Serj. at Law.  
*Surrey.*  
 Sir William Scawen, Kt.  
 Borough of Southwark.  
 Charles Cox, Esq;  
 John Cholmley, Esq;  
 Borough of Blechingly.  
 Thomas Onslow, Esq;  
 George Evelyn, Esq;  
 Borough of Rygate.  
 James Cocks, Esq;  
 † Sir John Parsons, Kt.  
 Borough of Guildford.  
 Denzil Onslow Esq;  
 † Morgan Randyll, Esq;  
 Borough of Gatton.  
 † Sir George Newland, Kt.  
 † Paul Doerninque, Esq;

Borough

## Borough of Haslemere.

† Theophilus Oglesworth, Esq;  
 . . . . . Carey, Esq;

*Suffex.*

Sir Henry Peachy, Kt.

Peter Gott, Esq;

## City of Chichester.

Thomas Carr, Esq;

† Sir Richard Farrington, Bar.

## Borough of Horsham.

† Charles Eversfeld, Esq;

John Wicker, Esq;

## Borough of Midhurst.

† Lawrence Alcock, Esq;

Lieut. Gen. Meredith.

## Borough of Lewes.

Samuel Gott, Esq;

Thomas Pelham, Esq;

## Borough of New Shoreham.

John Page, Esq;

Richard Lloyd, Esq;

## Borough of Bramber.

William Hale, Esq;

Sir Cleve Moor, Bar.

## Borough of Steyning.

Henry Goring, Esq;

## Borough of East Grinstead.

Hon. Richard Lumley, Esq;

† Henry Champion, Esq;

## Borough of Arundel.

Lord Lumley,

Rt. Hon. Richard L. Viscount Shannon

*Warwickshire.*

† Sir John Mordaunt, Bar.

† Andrew Archer, Esq;

## City of Coventry.

Sir Orlando Bridgman Bar.

Edward Hopkins, Esq;

## Borough of Warwick.

† Hon. Francis Greville, Esq;

† Hon. Dodington Greville, Esq;

*Westmorland.*

Daniel Wilton, Esq;

† James Grahame, Esq;

## Borough of Apulby.

† Edward Duncombe, Esq;

\*\* Nicolas Lechmere, Esq;

*Wiltshire.*

† Sir Richard How, Bar.

† Robert Hyde, Esq;

## City of New Sarum.

\*\* Robert Eyre, Esq; her Majesty's Solicitor-General.

Charles Fox, Esq;

## Borough of Wilton.

Sir Lambert Blackwell, Bar.

Charles Mompesson, Esq;

## Borough of Downton.

† Sir Charles Duncombe, Kt.

John Eyre, Esq;

## Borough of Hindon.

† Edmund Lambert, Esq;

Reynolds Calthorp, Esq;

## Borough of Heytesbury.

Edward Ashe, Esq;

William Ashe, Jun. Esq;

## Borough of Westbury.

† Hon. Henry Bertie, Esq;

† Francis Annesley, Esq;

## Borough of Calne.

Edward Baynton, Esq;

George Duckett, Esq;

## Borough of Devizes.

Josiah Diston, Esq;

Paul Methuen, Esq;

## Borough of Chippenham.

† Sir James Long, Bar.

James Montague, Esq;

## Borough of Malmesbury.

Thomas Farrington, Esq;

## Borough of Cricklade.

Edmund Dunch, Esq;

James Vernon, Esq;

## Borough of Great-Bedwin.

† Rt. Hon. Charles, Lord Bruce.

## Borough of Luggershall.

† Hon. Robert Bruce, Esq;

## Borough of Old Sarum.

† William Harvey, Esq;

† Robert Pitt, Esq;

## Borough of Wotton-Basser.

† Francis Popham, Esq;

Hon. Robert Cecil, Esq;

## Borough of Marlborough.

† Hon. James Bruce, Esq;

Sir Edward Erule, Bar.

*Worcestershire.*

† Sir John Packington, Bar.

Sir Tho. Cooke Windford, Bar.

## City of Worcester.

Thomas Wylde, Esq;

† Samuel Swift, Esq;

## Borough of Droitwich.

† Edward Foley, Esq;

† Edward Winnington, Esq;

## Borough of Evesham.

Sir Edward Goodere, Bar.

John Rudge, Esq;

*Yorkshire.*

† Rt. Hon. Henry, L. Viscount Down.

Sir William Strickland, Bar.

## City of York.

Sir William Robinfon, Bar.

† Robert Benson, Esq;

Town



Town of Kingston upon Hull.  
 Sir William St. Quintin, Bar.  
 William Maister, Esq;  
 Borough of Knraesborough.  
 Christopher Stockdale, Esq;  
 † Robert Byerley, Esq;  
 Borough of Scarborough.  
 William Thompson, Esq;  
 † John Hungerford, Esq;  
 Borough of Rippon.  
 † John Aislaby, Esq;  
 † John Sharpe, Esq;  
 Borough of Richmond.  
 Thomas York, Esq;  
 \*\* Hon. Henry Mordaunt, Esq;  
 dead.  
 Borough of Heydon.  
 William Poulteney, jun. Esq;  
 Hugh Cholmeley, Esq;  
 Borough of Boroughbrigg.  
 † Sir Brian Stapylton, Bar.  
 Craven Peyton, Esq;  
 Borough of Malton.  
 William Palmes, Esq;  
 William Strickland, Esq;  
 Borough of Thirsk.  
 Sir Thomas Frankland, Esq;  
 — Smalt, Esq;  
 Borough of Aldborough.  
 William Jessop, Esq;  
 Borough of Beverley.  
 Sir Charles Hotham, Bar.  
 † Sir Michael Wharton, Bar.  
 Borough of Northallerton.  
 Sir William Hustler, Kt.  
 Roger Gale, Esq;  
 Borough of Pontefract.  
 † Sir John Bland, Bar.  
 William Lowther, Esq;

#### *BARONS of the Cinque-Ports.*

Port of Hastings.  
 John Pulteney, Esq;  
 Port of Dover.  
 Matthew Aylmer, Esq;  
 Philip Papillon, Esq;  
 Port of Sandwich.  
 Sir Henry Furnese, Kt. and Bar.  
 Josias Burchett, Esq;  
 Port of Hyeth.  
 Hon. John Fane, Esq;  
 † John Boteler, Esq;  
 Port of New Rumney.  
 John Brewer, Esq;  
 Walter Whitfield, Esq;

Town of Rye.  
 Philip Gibbon, Esq;  
 Town of Winchelsea.  
 Thomas Bristoll, Esq;  
 Sir Fr. Dashwood, Kt. and Bar.  
 Town of Seaford.  
 William Lowndes, Esq;  
 George Nailor, Esq;

#### W A L E S.

*Anglesey.*  
 † Rt. Hon. Richard, Lord Viscount Bulkeley.  
 Borough of Beaumaris.  
 † The Hon. Henry Bertie, Esq;  
*Brecon.*  
 † Sir Edward Williams, Bar.  
 Town of Brecon.  
 † Edward Jeffreys, Esq;  
*Cardigan.*  
 † Lewis Price, Esq;  
 Town of Cardigan.  
 † Sir Simon Harcourt, Kt.  
*Carmarthen.*  
 Griffin Rice, Esq;  
 Town of Carmarthen.  
 Richard Vaughan, Esq;  
 Town of Carnarvan.  
 † William Griffith, Esq;  
*Denbigh.*  
 † Sir Richard Middleton, Bar.  
 Town of Denbigh.  
 † Sir William Williams, Bar.  
 Town of Flint.  
 † Sir John Conway, Bar.  
*Glamorgan.*  
 † Sir Thomas Mansell, of Margam, Bar.  
 Town of Cardiffe.  
 Sir John Aubrey, Bar.  
*Merioneth.*  
 † Richard Vaughan, Esq;  
*Monigomery.*  
 † Edward Vaughan, Esq;  
*Pembroke.*  
 Wirior Owen, Esq;  
 Town of Pembroke.  
 Sir Arthur Owen, Bar.  
 Town of Haverford-West.  
 † John Laugharne, Esq;  
*Radnor.*  
 † Thomas Harley, Esq;  
 Town of New Radnor.  
 † The Rt. Hon. Rob. Harley, Esq;

